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CLINICAL EVALUATION OF SURGICAL TREATMENT OF CHERRY EYE WITH MODIFIED MORGAN POCKET TECHNIQUE

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ABSTRACT

Prolapse of the gland of the third eyelid "cherry eye" is caused by defects in the attachments between the third eyelid gland and periorbita. In this study, the aim was to evaluate the characteristics of cases and clinical outcomes of Morgan's pocket technique in the treatment of dogs with prolapse of the gland of the third eyelid. In this context, the characteristics of the cases were examined in 12 dogs diagnosed with "cherry eye". The breeds were Cane Corso, Beagle, Shih Tzus, Maltese, Central Asian Shepherd Dog and mixed breed. All dogs underwent surgical treatment with Morgan's pocket technique, and the clinical results, recurrence and complications were evaluated in all 12 dogs (20 eyes).The success rate of the 12 patients (20 eyes) without

recurrence was 100% (12 cases). The complication rate in terms of infection was 8% (one eye). Based on the results of this study, it was concluded that the Morgan's pocket technique can be considered a reliable procedure for the repositioning of a prolapsed gland of the third eyelid. This technique is easily applicable with a high success rate. Due to the low recurrence and complication rates, it can be considered a highly reliable technique.
Key words: cherry eye, dog, pocket technique

INTRODUCTION

The pathogenesis of "cherry eye" has not been determined, but it may be associated with primary or secondary adenitis, fascial attachment abnormalities, or specific pathogens affecting the glands. The condition is not caused by primary inflammation, neoplasia or hyperplasia. The hypertrophied, protruding gland, which extends beyond the leading edge of the nictitans, can become abraded and dry, resulting in secondary inflammation, and swelling. Protrusion may be unilateral, but it isoften bilateral. Adenitis is found through histological examination (Fossum, 2013). Some breeds are prone to weakness in this tissue. Recent data have shown particularly high prevalence of the third eyelid gland prolapse in Cane Corso, Neapolitan Mastiffs, American Cocker Spaniels, Lhasa Apsos, and brachycephalic breeds such as: Bulldogs, French Bulldogs, Pugs and Shih Tzus (Hendrix, 2007; Mazzucchelli et al., 2012; Rais et al., 2015). It is one of the most common diseases affecting ocular attachments (Crispin, 2009). Owners notice a third eyelid mass, ocular discharge and/or conjunctivitis. The condition usually begins unilaterally, but eventually it may become bilateral (Plummer, 2008; Dehghan et al., 2012). The pathophysiology of the disease is explained by genetic predisposition and poor development of connective tissue between the base of the gland and the periorbital tissue (Kaswan and Martin, 1985; Moore, 1993; Slatter, 2001; Edelmann et al., 2013). Brachycephalic breeds have a genetically determined eyelid structure that may require stronger connective tissue to hold the gland in place within the eyelid. In these dogs any inflammation of the conjunctiva can cause retraction of the globe, which forces the lid and gland out of the orbit and often into a state of prolapse. Also, antigen stimulation and growth of the gland have been reported to be effective in pathophysiology (Maggs et al., 2012). Generally, the prolapse is encountered in young animals, especially below 1 year of age (Kaswan, 1985; Morgan, 1993). The eye usually has a persistent inflammatory reaction and may cause dry eye. The third eyelid gland provides 40 per cent of tears by many small ductules that open out on the bulbar surface of the third eyelid. If the prolapsed gland is not repositioned for a long time, reduction of the tear production, persistent irritation, enlargement of the gland, ulceration and *keratoconjunctivitis sicca* may occur (Slatter, 2001). However, because the tear production of the gland significantly contributes to the total tear amount needed by the eye, considering the dog's possible predisposition to dry eye, surgical replacement of the gland comes forward as the most reasonable therapy (Saito et al., 2001; Arora et al., 2014). The Morgan's Pocket Technique is one of the preferred methods for repositioning the gland as it is relatively easier to perform and it is proven to be effective (Crispin, 2009; Gomez, 2012; Hendrix, 2013; Yaygingul et al., 2019). The purpose of this study was to evaluate the clinical outcome and complications of the Pocket Technique in the repositioning of the prolapsed third eyelid gland in dogs.

MATERIALS AND METHODS

Twelve dogs were included in this study. The dogs are treated in the Veterinary Clinic "Dameski Veterina" Prilep between 01 October 2022 and 01 June 2023. Five cases (42%) were bilateral and seven (58%) were unilateral. In the dogs with unilateral disease, the affected eye was on the left side in 3 dogs (43%) and on the right side in 4dogs (57%). Seven dogs were male and five were female. Breeds represented in our pool of participants included: Cane Corso (5), Beagle (2), Shih Tzus (2), Central Asian shepherd (1), Maltese (1) and mixed breed (1). The age range of dogs was between 6 months and 3 years old. All cases were treated prior to surgery for 7-8 days with a topical antibiotic tobramycin and dexamethasone, (Tobradex (3mg/1mg)/1mL, Alcon Cusi SA, Spain).

Upon reviewing their history, none of the dogs had eye problems before the appearance of a red mass on the medial canthus. The affected eye was palpated to differentiate the prolapsed gland from the cartilage eversion. Prolapse of the gland of the third eyelid was diagnosed based on their history along with physical and clinical examination.

The dogs were prepared for surgery as per the standard preoperative preparation principles of the periorbital area. Clipping the periocular area is not required. The periocular skin is scrubbed with 10% povidone-iodine solution (Betadine 10%, Alkaloid, Skopje). Exudates were removed from the corneal and conjunctival surfaces with a sterile swab, and the area was irrigated with eye wash. For all dogs the premedication was performed with medetomidine at dose of 30µg/kg IM (Dorbene,Syva S.A., Spain) while induction of anaesthesia was performed with ketamine at dose of 4 mg/kg IM (Ketamine 10%, Alfasan International B.V., Netherlands) and propofol in dose from 1 to 5 mg/kg IV (Propofol1%, Fresenius Kabi, Austria). The dogs were placed in ventral recumbency with the affected eye facing upward on the operation table. Topically, ophthalmic solution with anaesthetic for eyes (Tetracaine hydrochloride 0,5%, Alcon) and Povidone iodine 1% (Betadine 1%, Alkaloid Skopje) eye drops were instilled preoperatively. The surgical area was draped carefully, and then palpebral fissure was opened by placing an eyelid speculum to maximize exposure. For the prolapsed gland to be replaced, the third eyelid was extended with an ophthalmology forceps, then parallel incisions of 1 cm were made through the bulbar conjunctiva ventral and dorsal to the free margin of the gland.

The gland is returned to its normal position by suturing the two incisions together over the gland using 5/0 – 6/0 resorptive monofilament suture with a simple continuous suture pattern.

For the bilateral cases, the procedure was repeated in the same manner for the second eye. After the surgical procedure, all the patients were treated topically with ophthalmic tobramycin (2x4 times/day, Tobrex, Alcon Cusi SA, Spain) for a duration of 10 days. Due to the possibility of interaction with healing of the suture line, local administration of corticosteroids was not used after the operations.A postoperative complication in terms of infection was noted in one eye due to poor owner compliance, which was successfully treated with oral Amoxicillin with Potassium clavulanate for one more week and topical tobramycin twice a day for a duration of 15 days.

RESULTS

There were 12 dogs (17 eyes) diagnosed with prolapse of the third eyelid gland and treated with using Modified Morgan pocket technique. The most frequently represented breed was the Cane Corso (42%), followed by Beagle (17%), Shih Tzus (17%), Central Asian shepherd (8%), Maltese (8%) and Mixed-breed (8%). The prolapse was unilateral in 7 cases (58%) and bilateral in 5 cases (42%). The affected eye was on right side in 10 cases (59%), and on the left side in 7 cases (41%). Gender was recorded as 7 (58%) males and 5 (42%) females. Sixty-seven percent of

the dogs were less than 1 year old, 17 % were between 1 and 2 years old, 8% were between 2 and 3 years old and 8% were over 3 years old.
Etiologically, there was no trauma or inflammation history, and the reason of the prolapse was determined to be weakness of the connective tissues which keep the gland in its anatomical position.
In the postoperative period, the dogs were controlled 2 times during an interval of 7 days and no clinical problems were detected. During the following period, phone call checks continued for 3 months and during this period, relapses of "cherry eye" were not recorded in any case. However, a post-operative complication in terms of infection was observed in one eye due to poor owner care, which was successfully treated with oral Amoxicillin with Potassium clavulanate for one week and topical Tobramicin twice a day for 15 days.

DISCUSSION

Diseases of the third eyelid are commonly encountered in dogs and prolapse of the third eyelid gland, or "cherry eye", is the most often one among these diseases (Plummer et al., 2008; Mazzucchelli et al., 2012; Premont et al., 2012). Etiological factors are not known well, however weakness of the connective tissue attachment of the gland, which can be associated with genetic disorders, is especially emphasized (Singh et al., 2017; Dehghan et al., 2018). According to databases, prolapse of the third eyelid gland usually occurs at age less than 1 year. The age distribution of dogs younger than 1 year of age with a ratio of 67% in this study was consistent with the literature.
Medical treatment or conservative local therapies including antibiotic and steroid combination in prolapsed third eyelid gland is not indicated as a solution (Arora et al., 2014; White and Brennan, 2018). It has been stated in the studies that surgery is the best option in the treatment of prolapsed third eyelid gland. Postoperative use of topical corticosteroids is recommended in some studies but also discouraged in others (Gelat et al., 2012; Rankin, 2013). In the literature there is an inconsistency regarding the postoperative use of corticosteroids. Without repositioning and fixing, the gland tissue remains susceptible to various pathologies, and inflammation and irritation persist. Removal of the gland may cause tear secretion to be reduced by up to 40% and formation of secondary keratoconjunctivitis sicca. Therefore, partial or complete removal of the gland should not be preferred (Slatter, 2001; Singh et al., 2017; Dehghan et al., 2012). Surgical repositioning techniques are more successful than gland removal (Gelatt et al., 2012; White and Brennan, 2018). Several surgical techniques have been described for the reposition and fixation of the prolapsed third eyelid gland in dogs. The advantages of Morgan's pocket method are that it is less risky, easy to learn, and it is easily applied. In our study, all animals were treated by using modified Morgan pocket technique with 100% success rate.
Most studies mention that the male dogs are more likely to suffer from "cherry eye" than females (Mazzucchelli et al., 2012; Sapienza et al., 2014; Multari et al., 2016). The situation was similar in our study. There were more male dogs (58%) present with the "cherry eye" condition compared to females (42%). There is a possible explanation in an experimental study which was conducted by Cabral et al. (2005). They found the male mongrel dogs have longer lacrimal glands and their superficial glands of the third eyelid are thicker compared to the females. The lager size of the gland may make male dogs more predisposed than females.
Additionally, "cherry eye" is usually seen unilaterally, bilateral cases are not as infrequent. In our study, 58% of the cases (in 7 out of 12 dogs) were unilateral and any sign of "cherry eye" was not

found in the contralateral eye of these cases during the following period. The interval between the gland prolapse of the opposing eye was 2 to 5 weeks.
Brachycephalic breeds are predisposed to "cherry eye" due to the frequent formation of conjunctival inflammation because of their head anatomy. In our study, there were 7 brachycephalic dogs (58%), the remaining 5 dogs (42%) were mesocephalic.
There is always recurrence risk for the "cherry eye" patient following gland-sparing surgeries (Mazzuzzhelli et al., 2012; Multari et al., 2016; Singh et al., 2017). However, this risk can be minimized by presurgical precautions, proper surgical procedure, and attentive postoperative care. Topical antibiotics and corticosteroids for initial treatment a couple of days before surgery, postoperative local antibiotics and non-steroid anti-inflammatory agents may help to reduce the recurrence risk (Zabell, 20017).

CONCLUSION

Third eyelid gland prolapse is one of the most common third eyelid diseases in dogs. In animals that have a prolapsed gland on the third eyelid, there is a high risk of developing several ophthalmic diseases such as chronic conjunctivitis and the occurrence of eye discharge. Reduced tear production, permanent irritation of the cornea by the enlarged gland, can lead to corneal ulceration and appearance of keratoconjunctivitis sicca, or so-called "dry eye", if the prolapsed gland is left without any intervention or is not repaired properly. The diagnosis of this pathological condition is easily established based on clinical symptoms and no additional examination is required. The treatment of the protrusion and prolapse of the gland of the third eyelid is surgical and in this study, we used the modified Morgan pocket technique. The modified Morgan pocket technique is the most commonly used method today, it is simple to perform, and it is very effective. This was also confirmed in our work, where the success rate was 100% and no relapses occurred. This technique is performed quite quickly, postoperative complications are minimal, and it is quite cheaper compared to other techniques. In addition, this technique preserves the mobility of the third eyelid, preserves the glandular tissue, and this technique is especially effective in young animals and in those cases where the prolapsed gland is not very large.
Overall, the high success rate, swift animal recovery, and customer satisfaction make the modified Morgan pocket technique the surgical method of choice for repositioning a prolapsed conjunctival gland.

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A LEVEL OF CONTRIBUTION TO THE AGENDA 2023 THROUGH THE ENFORCEMENT OF GENDER EQUALITY IN NORTH MACEDONIA

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ABSTRACT

Gender equality in the Agenda 2030 for Sustainable Development is an issue that is given great importance. The Sustainable Development Goals treat gender issues in a sensitive manner and build expectations that gender equality will be considered as a priority in the new global sustainable development policy of countries. In the Republic of North Macedonia, in general, national strategic documents and policies pay attention to gender equality and incorporate the gender dimension which is also reflected in the index of gender equality, which is 64.5 points of a possible 100. This fact leads to the general review that gender inequality is still present and it manifests in various dimensions especially in rural areas. This paper is methodologically based on a review and analysis of the legal framework in the field of gender equality, rural development and agriculture; data from recent research and analysis related to the SDGs; consultations with local civil society organizations as well as with women from rural areas. Based on the research that is done, the main conclusions lead to the direction that the biggest gender gap is noticed in employment, wages, as well as in women's participation in social and political life. These gaps are especially visible in local communities in the country. Also, to the conclusion could be added that the contribution to the fifth goal of sustainable development – Enforce Gender Equality is generally provided by the state through legal legislation and strategic documents, but what is missing is the real and equal progress and contribution to achieving the goal in everyday social life, especially in rural areas.

Key words: gender equality, Sustainable Development Goals, Agenda 2030, index of gender equality

Introduction

North Macedonia is committed to continuously improving gender equality. Gender inequality manifests itself across different dimensions and is particularly pronounced in rural areas. The poverty rate in 2018 was 21.8 percent for men and 22 percent for women. About 6 percent of women living in poverty are employed and 35 percent are not employed. About 55 percent of

unemployed women were without any education or had only primary education. (National Voluntary Report, Government of North Macedonia, 2022, 40-43). The actual position of women from rural areas is less favorable compared to men from rural areas, but also women from urban areas. Analyzes of the implementation of strategies for balanced regional development show that, despite the investments, limited access to basic services contributes to a lower quality of life for the population from rural areas in general, but women from rural areas are much more affected by this situation. Due to the interconnectedness of human rights, the non-use of rights in one area leads to limited opportunities for the use of rights in other areas of the life of rural women. Non-inclusion in all levels of decision-making processes contributes to the neglect of their specific needs by national and local policy makers. From the other side, we have the commitments as state to our contribution to the Agenda 2030 and achievement of Sustainable Development Goals (SDGs) among which is also SDG 5 – Gender equality. SDG 5 seeks to provide women and girls with equal rights, opportunities to live freely without discrimination or any form of violence. This is aimed at achieving gender equality and empowering all women and girls. Gender equality by 2030 requires urgent action to remove many of the root causes of discrimination that limit women's rights in the private and public spheres of life. Eliminating gender-based violence and rape is a priority given that it constitutes a violation of human rights.

SDG 5 has nine targets and 14 indicators. Six of the targets are *outcome targets*:(World in data, SDGs, Gender Equality, 2020)

- ending all forms of discrimination against all women and girls everywhere
- ending violence and exploitation of women and girls
- eliminating harmful practices such as child early and forced marriage and female genital mutilation
- increasing value of unpaid care and promoting shared domestic responsibilities
- ensuring full participation of women in leadership and decision-making
- ensuring access to universal reproductive rights and health .

The three *means of implementation targets* are:

- fostering equal rights to economic resources, property ownership and financial services for women
- promoting empowerment of women through technology
- adopting and strengthening policies for gender equality, and supporting legislation to enforce it.

1. Index for gender equality

The Gender Equality Index is a composite indicator that measures the complex concept of gender equality and assists in the comparative monitoring of progress (EIGE, 2017a). The Index is formed by combining gender indicators into a single summary measure. It consists of six core domains (Work, Money, Knowledge, Time, Power and Health) and two additional domains (Intersecting Inequalities and Violence) (Diagram 1). The Gender Equality Index measures gender equality by showing how far (or close) each member state is from achieving complete gender equality. It provides results at both EU member states level and EU level. It measures gender gaps that are

adjusted to levels of achievement, ensuring that gender gaps cannot be regarded positively where they point to an adverse situation for either women or men. The Index measures both the level of progress and the gender gap in different domains. The Gender Equality Index assigns scores between 1 and 100, where 1 indicates total inequality and 100 indicates the full achievement of gender equality in the country. Index scores close to 1 indicate a low level of achievement in the domain (e.g. low rates of higher education completion) and a wide gender gap (pronounced differences in achievement between women and men), while Index scores close to 100 indicate high achievement in the domain (e.g. high rates of higher education completion) and minor or non-existent gender gaps between women and men.

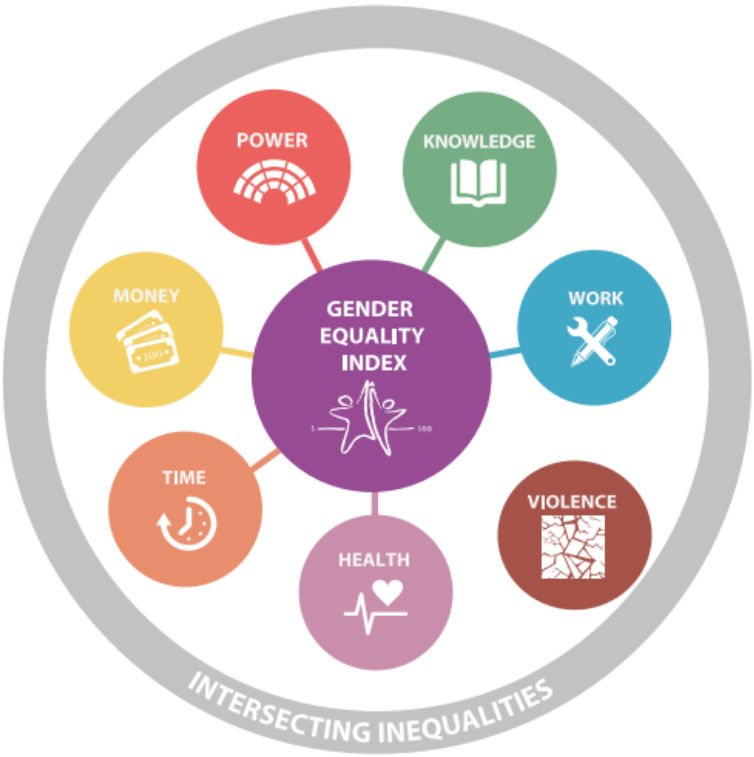

Diagram 1 – Domains of the Gender Equality Index

The Gender Equality Index score for North Macedonia for 2022 is 64.5 points out of a maximum of 100 and shows an increase of 2.5 points compared to the previous measurement in 2019. If progress is achieved at this pace (2.5 points every four years[1]), the country will need approximately 57 years to achieve gender equality in all domains. For comparison, at the EU level, the pace of progress achieved so far is one point every two years, which is considered a slow and insufficient pace of progress toward achieving gender equality at the EU level (EIGE, 2021). However, social changes and development are not linear processes and can be accelerated by appropriate policies in a favorable socio-economic context at national and international level, but they can also be

[1] The data used for the measuring of the Index in 2019 are the last available data for the indicators from 2015, while the data used for the measuring of the Gender Equality Index 2022 are the last available data from 2019

slowed down as a result of regressive policies in terms of equality, or unfavorable context in the country and globally. That is why ensuring continuity in measuring the progress of the Index and its integral domains is of exceptional importance in order to monitor the changes and policy impact and detect the areas where there is a need for improvement of gender equality policies and their implementation in practice. If the Index scores in each of the domains are considered, progress can be observed in the domains of Work, Money, Knowledge and Power. Progress is at a standstill in the domain of Time (due to lack of new data) and the domain of Health, where an insignificant change (+0.1 point) can be observed. Compared to the last measurement, the country does not show a decline in any of the domains that make up the Index (Table 1).

Figure 1: Gender Equality Index, North Macedonia, 2015-2019

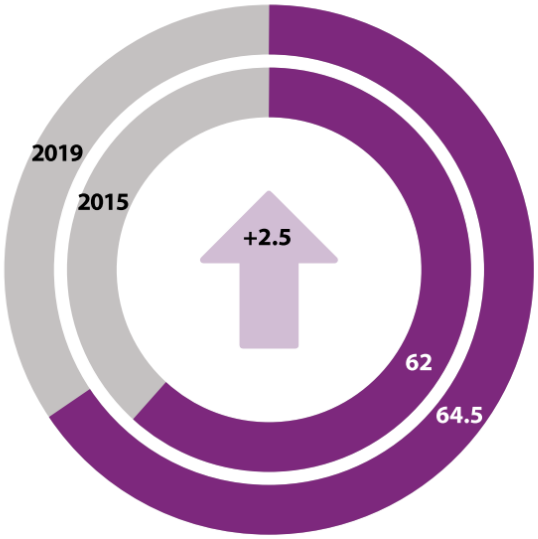

Table 1: Gender Equality Index, total and domains, 2015 – 2019

	2015	2019	Progress (2015 – 2019)
Gender Equality Index	62	64.5	2.5
Work	69.4	70.7	1.3
Money	62.1	64.3	2.2
Knowledge	59.6	62.4	2.8
Time	55.8	55.8	0
Power	52.6	58.6	6.0
Health	87.1	87.2	0.1

Source: State Statistical Office

2. Strategic and legislative framework

The contribution of the country in the part of achievements of results and indicators in SDG 5, prioritizes a range of measures, including efforts to strengthen institutions in support of victims of gender-based violence, harmonization of EU legislation with international standards, gender-responsive budgeting when designing new policies and programmes, and raising of awareness concerning gender-based violence. The following legal and strategic initiatives help to the promotion and upgrade of gender equality in the country:

- **A new draft law on gender equality** – which mentions women in agriculture, traditional unpaid work and domestic work, definitions of gender and recognizing rights of all humans, etc. which as a legal regulation is fully aligned with international gender

regulation but it is not approved by the citizens as well as by the members of the Parliament which also means in the country increase of anti-gender movements especially in the municipalities which also affects the work of them in the field of creating equal opportunities for all citizens in the communities. Overcoming gender stereotypes, participation, balanced participation, empowerment of women etc. are part of the basic principles of the law;

- **Strategy for Gender Equality 2022-2027** - strives to improve the state of gender equality in accordance with international standards, recommendations and obligations, recognizing that gender equality as one of the key aspects for the prosperity of the entire society;
- **New law on prevention and protection against discrimination** – in which intersectional discrimination is recognized as a more serious form of discrimination, and gender identity and sexual orientation are added as grounds for discrimination. In 2022, the new **National Strategy for Equality and Non-Discrimination** 2022-2026 was adopted;
- In the area of the labor market, the **amendments to the Law on Labor Relations in 2015** regulated the right to equal pay for women and men, as well as equal treatment in employment, working conditions and social insurance schemes (Official Gazette of the Republic of Moldova, no. 74/15);
- **A new Law on Labor Relations** is being drafted, which is intended to comply with Directive (EU) 2019/1158 on the balance between the private and working life of parents and persons involved in care (Official Journal of the EU, 188/79) , with which reforms would be made in the current system of maternity leave and parental leave would be introduced, which includes a special right to father's leave, which in the existing regulation is obtained exceptionally by canceling/terminating the mother's right to maternity leave
- In the field of education, in 2019 a new **Law on Primary Education** was adopted (Official Gazette of RSM, No. 161/19) which prohibits direct and indirect discrimination, including on the basis of sex, gender, sexual orientation as well as on gender identity. Affirmative measures for overcoming discrimination and promotion of equality in the educational process are also foreseen.

3. Real picture of gender equality in North Macedonia

There is currently a high level of participation of women in the public sector. The Public Sector Employee Registry (2018) indicates that 54 percent of employees are women and 46 percent men. In general, women are overrepresented in almost all types of institutions, and especially in judicial institutions. By contrast, men have a high level of representation in the security sector, public enterprises and transportation sector. About 36 percent of managerial positions in the public sector are held by women. With regard to educational achievements, women outperform men. Most recent data indicate that 17 percent of women are graduates of tertiary education, compared to 15 percent of men. Additionally, 40 percent of women participate in formal or informal education and training, compared to 23 percent for men. (State Statistical Office, 2022). With regard to political representation, there has been an increase in the number of women in decision-making positions. As a legal requirement, every third candidate in party lists for parliamentary seats is required to be female. The number of women MPs in the Assembly of the Republic of North Macedonia is increased and maintained thanks to affirmative legal measures. In 2021 year, 40.2% of elected MPs were women, while at the end of 2022 the percentage of women in the Assembly of the

Republic of North Macedonia reached 42.5%. In the current composition of the Government of North Macedonia we have 5 women, 1 vice-president for good governance and ministers of Defense, Environment, Labor and Social Policy and minister for culture. However, at the local level the situation is less balanced. Namely, the number of women decision-makers is the lowest at the local level. In 2021, out of a total of 27 women candidates, two women from a total of 81 mayors, for 80 municipalities and the city of Skopje. Women are also almost four times less represented than men in positions of decision-making in companies in the country, a situation that does not notice improvement, but deterioration. (State Statistical Office, 2023)

3.1. The domain of violence

North Macedonia still does not have available data to calculate the composite indicator for the domain of Violence, although it is important to note that the State Statistical Office has taken a significant step forward in this regard recently. In the period August – September 2022, the State Statistical Office conducted the first national survey on gender-based violence (GBV) in the country, applying the Eurostat methodology, and with the support of the IPA funds (the Instrument for Pre-Accession Assistance of the EU). This survey will be conducted every five years, and it is included in the current SSO Programme for statistical research 2023 – 2027. The next national survey on gender based violence is planned for 2027. The survey on the well-being and safety of women in North Macedonia shows that violence against women is widespread and more than half of women (54 percent) have experienced some form of violence since the age of 15 (OSCE, 2019). Almost half of women (44 percent) have experienced psychological, physical and/or sexual violence since the age of 15, while 14 percent have experienced physical and/or sexual violence. The situation at the EU level (EU-28) shows a higher prevalence of physical and sexual violence, that is, 33 percent of women have experienced this type of gender-based violence since the age of 15. (SSO, Gender Index Equality, 2023, 37-45). However, it is important to note that the differences compared to the EU should be interpreted through the social context of the country versus the EU countries. Namely, the countries with longer practices and policies for the promotion of gender equality, awareness raising and a functional system for prevention and protection from violence against women (the Nordic countries and most of the countries in Western Europe) have higher rates of recognition and reporting of violence (OSCE, 2019). Hence, the rates of reporting and registering violence are often higher in these countries compared to contexts where violence against women is often considered a private matter that should remain within the confines of the home, where the stigma for women victims of violence is high, there is a high level of normalization of violence, and there are weak institutional mechanisms for prevention and protection of victims, as in the case of North Macedonia (OSCE, 2019). Sexual harassment is among the frequent forms of violence in the country. A high 30 percent of women in the country have experienced sexual harassment since the age of 15. Younger women and women with a higher education degree, who live in urban areas, on average are more exposed to sexual harassment, which in turn indicates greater awareness and recognition of violence among these groups of women (OSCE, 2019). The Law on Prevention and Protection from Violence against Women and Domestic Violence (Official Gazette of the Republic of North Macedonia, No. 24/21) and the recent amendments of the Criminal Code (Official Gazette of the Republic of North Macedonia, N0. 36/2023), stipulate specific provisions on sexual harassment, also covering online sexual harassment and online stalking. In the upcoming period, it will be crucial for the competent institutions to fully and consistently apply the existing legislation, in order to protect and support the victims of gender-based violence, and to dedicatedly work on the prevention and protection

from all forms of violence against women and girls and gender-based violence as prescribed in the legal framework and strategic documents of the country.

3.2. Women from rural areas

Women from rural areas do not have enough information, they are little informed and use their legally guaranteed rights and the opportunities that belong to them and that can contribute to the improvement of their situation. Here we would just mention that during the Covid crisis, as many as 96% of women in rural areas pointed out that they face insufficient information as well as social exclusion from the happenings in society, so they pointed out their need to receive daily, regular and up-to-date information. (Rural Coalition, 2021). According to the Ministry of Labor and Social Policy, as many as 62% of women in rural areas are not active in the labor market due to being engaged in the household and caring for children and the elderly, and 47% of unemployed women in rural areas do unpaid work on family farms. This position of women also leads to a large number of restrictions in the part of using the rights that belong to them. Namely, women cannot exercise their employment rights, such as the right to sick leave and the right to paid maternity leave. Access to social protection for women is limited due to the distance from cities and urban centers, insufficient awareness of the type of social services that are available to them as a right, but also due to the lack of social services adapted according to their specific needs, as well as care needs for children and the elderly. This real position of rural women disables a greater use of their rights from other areas, such as their inclusion in public and political life as well as their participation on the labor market. At the same time, rural women also underutilize insufficient primary health care rights, including rights related to sexual and reproductive health, pregnancy and childbirth. Deprivation of ownership of agricultural land and property (only 5-6% of women in rural areas own property, and 12% of agricultural land (National Strategy for Agriculture and Rural Development), unequal distribution of income and resources in the household, limited access and offer to education, non-inclusion in household decision-making, limited access to public services are also significant challenges faced by rural women. (CEDAW Report, 2023)

Conclusions

Achieving the goals of the 2030 Agenda requires a strong involvement of public sector institutions, as well as national institutions in the area of human rights protection. Activities to achieve the SDGs can be an incentive for countries to check the effectiveness and accountability of their institutions. Meeting the specific goals of the SDGs in most countries will require a certain degree of institutional transformation of the supervision, management and services of the institutions. North Macedonia reaches some of the indicators listed in SDG 5, but by 2030 there is still a lot to be done especially in the areas that were highlighted as key areas for improvement in the paragraphs of this research paper.

In order to reach the indicators foreseen in SDG 5-Gender equality, North Macedonia should focus its work and activities in the following fields by 2030:

- Political participation of women in the society;
- Elimination of all forms of violence and creating quality preventive mechanisms;
- Reducing the gender wage gap;
- Promotion of access to the labor market and economic empowerment of women as well as time balance;

- Reducing the gender gap between urban and rural areas in the country;
- Advancing the legislation, as well as its implementation;
- Improvement of systems of collection and processing of gender-disaggregated data;
- Increasing the property ownership of women;
- Increasing the opportunities for the participation of women in IT technologies, as well as in the highest segments of scientific research work as well as leading positions in public and business sector.

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SUSTAINABLE DEVELOPMENT AS A GLOBAL PHENOMENA

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ABSTRACT

Environmental protection is very important in today's conditions due to the enormous pollution of the planet Earth. The consumption of natural resources and the use of renewable energy sources are particularly significant.

Sustainable development is one of the principles of environmental protection that is significant for the development of humanity. This principle is part of international environmental law and refers to the sustainable use of resources, taking into account future generations.

The author of the paper analyzes the international legal framework and indicators of sustainable development. The author also gives some recommendations on how to apply this principle in the next period.

Key words: sustainable development, environment, policy etc.

1. INTRODUCTION

The concept of sustainable development contains the ethical attitude through which today's generations should base their development not only on their perspectives but also on the development of future generations. The human being is a part of the biosphere and its ecosystems. The current development is in the direction of aggressiveness, recklessness, selfishness, spontaneity, and irresponsibility. It is necessary, in the future, to intervene in the environment by previously studying possible damages, predicting risks, and preventing degradation. If damages still occur, it is necessary to take actions, and not to leave them to future generations.

The goal of the concept of sustainable development is to meet the needs of people without causing environmental violations. People have a daily need to satisfy economic and social needs, which are related to certain resources.

The place and role of sustainable development in international environmental policy and law can be analyzed from the following aspects: economic, institutional, legal, political, ethical, ideological, methodological, globalization, etc. The institutional aspect refers to the existence of numerous bodies and organizations that, within the framework of the United Nations and other

regional organizations, deal with separate issues of sustainable development or management of environmental protection. These bodies study the implications of certain governance concepts and models. In that context, the government is not only observed as the main subject of decision-making but also the exercise of power in the process of resource management (natural, economic, social). This includes the effective formulation and implementation of a clear policy and respect for established rules, including the rights of citizens. To emphasize the importance of management in the area of the environment, some authors propose to talk about a crisis in environmental management instead of an environmental crisis. (Todic, 2007)

2. INTERNATIONAL LAW FOR SUSTAINABLE DEVELOPMENT

In international law the following principles for environmental protection are provided:

- the principle of a high degree of protection,

- the principle of integration,

- the polluter pays,

- the principle of prevention, which provides prevention of certain events that will have a negative impact,

- precautionary principle, and

- the principle of sustainable development.

The principle of sustainable development is one of the basic principles and refers to meeting the needs of the current generations and considering the needs of future generations.

Sustainable development was defined for the first time as one of the basic principles of environmental protection by the World Commission on Environment and Development (Brundtland Commission) Our Common Future in 1987 as "Development that meets the needs of the present generation, without compromising the ability of future generations to meet their own needs. In essence, sustainable development is a process of change in which the exploitation of resources, the direction of investment, and the direction of technological development and institutional change are in harmony and enhance the present and future potential to meet human needs and aspirations". (Agenda 21, 2001)

International agreements and conventions

International law covers the environmental agreements and conventions signed by the member states and elaborates on the matter of environmental protection. In particular, the norms of international law for sustainable development are significant. Their main goals are:

• Development of universally accepted agreements based on efficient international standards for environmental protection, considering the different situations and opportunities of individual countries.

• An international review of the possibilities for establishing general rights and obligations of states in the field of sustainable development.

• Measures to avoid or resolve international disagreements in the field of sustainable development, including negotiations on issues that may cause disagreements, up to engaging the International Court of Justice.

The Declaration on the Human Environment from the Stockholm Environment Conference states in the preamble that human is a being that creates their environment, but also declares that "the protection and improvement of the human environment is an urgent need and desire of people everywhere in the World and the duty of all governments."

What is particularly significant about this Declaration are the twenty-six principles that relate to the protection and behavior of the human environment, and they represent the basis from which the principles of sustainable development, the polluter pays, etc. will emerge.

The Convention on Biological Diversity provides for the conservation of diversity which is important for the evolution and maintenance of all living systems in the biosphere. Although states have rights over their biological resources, they are also responsible for preserving biological diversity and sustainably using biological resources.

Nations that have joined the Convention should:

• Identify parts of biological diversity important for conservation and sustainable use, and monitor activities that may have a detrimental impact on diversity.

• Develop national strategies, plans, or programs for the conservation and sustainable use of biological diversity.

• Preservation and sustainable use of biological diversity should be part of the planning and decision-making process.

• Use the media and educational programs to actualize the importance of biological diversity and the need to preserve it.

• Pass laws for the protection of endangered species, develop systems of protected areas for the preservation of biological diversity, and promote environmentally acceptable development around those areas.

• Rehabilitate and restore disturbed ecosystems and promote the protection of endangered species, assisting the local population in developing and implementing plans.

• Establish means to control risks from biotechnologically modified organisms.

• Use assessment of the impact on the environment, with the participation of the public, in projects that treat biological diversity, to avoid and reduce damages, etc.

Countries should adhere to these guidelines to conserve biological diversity, as well as to predict, prevent, and reverse the causes of losses related to endangered species.

The basic idea and goal of the Summit in Rio, organized by the UN, is the "sustainable development" project, which, in addition to economic development, envisages environmental protection. One of the main benefits of this Summit is the commitment to environmental protection, which would be realized as a parallel benefit with economic movements on a global level. Namely, the principles have been adopted that suggest the use of natural resources, without, at the same time, disturbing the environment to an extent that is greater than allowed.

The UN Conference on Environmental Protection and Development (UNCED) which was held in Rio de Janeiro in June 1992 represents the birth of the idea of international environmental protection. It was a turning point that brought together government representatives from all parts of the planet, as well as delegates of UN agencies, international organizations, and a large number of representatives from the non-governmental sector. Representatives from the 179 countries present at the Conference in Rio adopted Agenda 21, the UN Action Plan for Sustainable Development.

Two international agreements emerged from Rio, two documents with adopted principles, and a Program for Sustainable Development on a global scale. These are the following documents:

- Rio Declaration on Environment and Development. The declaration includes 27 principles that determine the rights and obligations of states in their efforts for development and human well-being. (M. Malish-Sazdovska, 2010, p.11)

- Agenda 21 - foresees the realization of sustainable development on a social, economic, and environmental level.

- A report with adopted principles covering all types of forests and their management, conservation, and, sustainable development.

- The Framework Convention on Climate Change aims to contain the gases that cause the greenhouse effect. The level of these gases in the atmosphere should be in a measure that will not drastically change the climate; and

- The Convention on Biological Diversity, which provides for the adoption of means and ways to preserve the diversity of living species.

The basic motto of Agenda 21 is "Sustainable development is a development that meets the needs of the present without compromising the ability to meet the needs of the future."

These documents represent a part of the international law for sustainable development that should be developed in the direction of achieving a balance between the needs for development and the needs for environmental protection.

The main goals of international law for sustainable development should include:

- Development of universally acceptable agreements on which effective international standards for environmental protection should be based, considering the different situations and capabilities of individual countries.

- International review of the possibilities for setting general rights and obligations of states in the field of sustainable development; and

- Measures to avoid or resolve international disagreements in the field of sustainable development, including negotiations on issues that may cause disagreements, even with the involvement of the International Court of Justice. (Agenda 21,2001, p.50)

Analyzing the twenty-seven principles from the Rio Declaration, which the International Community considers particularly important for environmental protection, it can be concluded that all aspects of protection have been considered. Namely, the principles refer to sustainable development, the way of spatial planning, reducing poverty, ensuring the quality of life for current and future generations, determining international mechanisms for the implementation of international environmental protection acts, and many other principles that edit this matter.

International standards for environmental protection should be implemented to the current social conditions in the countries, especially following the need for assistance to countries in transition and development. When realizing the goals for environmental protection, the problems and interests of these countries should be considered. (Mališ Sazdovska, 2014, p.23)

The European Council adopted the Strategy for Sustainable Development in Gothenburg, in 2001. In July 2002, the Parliament and the Council of the European Union adopted the Environmental Action Program, which added to the environmental policy of the European Union the goal of promoting sustainable development at the world level. Priorities based on climate change, nature, environment, and health and quality of life, natural resources, waste, etc. were established. (Druezn, 2011, p.533)

With the Treaty of Amsterdam, 1997, the notion of sustainable development is about linking economic goals with environmental ones, and the Treaty on the Constitution of Europe promotes research "for a high level of protection and improvement of the quality of the environment". (Wen Lang, 2011.p.30)

These documents envisage strategies and programs for achieving a sustainable balance and describe technologies and techniques that should be developed to meet people's needs through careful management of natural resources. Opportunities are also offered for preventing the degradation of soil, air, and water, as well as preserving forests and biodiversity, reducing poverty, and adopting strategies for sustainable development. (Malish Sazdovska, 2009, p.74)

The indicators of sustainable development, which are grouped into four groups, can also be considered as indicators of the quality of life because they indicate the possibility of meeting environmental, existential, social, and personal needs.

• Social indicators of sustainable development indicate social justice (poverty and gender equality), health (nutrition status, mortality, sanitary conditions, drinking water, health care), education (level of education and literacy), living (conditions of living), security (crime) and population (population changes),

• Economic indicators refer to the economic structure (economic performance, trade, financial status) and production and consumption (use of energy, raw materials, waste, transport),

• Institutional indicators include a set of indicators that refer to the inclusion of the environment and development in decision-making, of potential scientific staff for the realization of sustainable development, national mechanisms and international cooperation for building capacities in

developing countries, international institutional agreements, international legal instruments, and mechanisms, informing in the function of decision-making and strengthening the role of significant social groups, and

• Environmental indicators refer to the atmosphere (climate change, ozone depletion, air quality), soil (agriculture, forests, desertification, urbanization), oceans, seas, and coasts (coastal zones and fisheries), waters (amounts and water quality) and biodiversity (ecosystems and species of flora and fauna). (www.un.org)

By applying this understanding of the concept of sustainable development, it is possible to approach building a sustainable society. But it is also necessary to accept this concept not only at the institutional level but also by the citizens by accepting the changes in the direction of sustainable development.

3. THE PRINCIPLE OF SUSTAINABLE DEVELOPMENT IN THE REPUBLIC OF NORTH MACEDONIA

Accepting the guidelines for integration into the European Union, the Republic of Macedonia accepted the trends and recommendations for amending the national legislation in the field of environmental protection. In that direction, the concept of sustainable development has been accepted as the main principle for further development, and a large number of international agreements and protocols have been ratified, with which it is committed to work on the implementation of the principles of sustainable development.

In our country, the concept of sustainable development is accepted as the main principle for further development, and a large number of international agreements and protocols have been ratified, with which it undertakes to work on the implementation of the principles of sustainable development.

The national legislation in the Republic of Macedonia, which regulates the matter of sustainable urban development and environmental protection, is that of the European Union. Harmonization started in 2002.

4. RECOMMENDATIONS FOR FUTURE DEVELOPMENT AND APPLICATION OF THE PRINCIPLE OF SUSTAINABLE DEVELOPMENT

Considering the fact of the increased degradation and disturbance of the environment, in the future it is necessary to apply urgent and immediate measures to rehabilitate the situation with environmental damage on the planet Earth. Namely, with the technical-technological development and pollution of all ecosystems of water, soil, and air, the international community must unite in the application of modern techniques and methods for sustainable development.

Environmental economists are focused on building a sustainable economy, by changing the system. Namely, that the markets in the world should not be the only ones that will have a profit, but that the population and the planet should also have a profit that they will use. They call this system the three Ps: profit, population, and planet). (Attenborough, 2020, p.121)

According to David Attenborough, there are certain measures, the application of which in the next period can contribute to the adequate application of the principle of sustainable development and, at the same time preserve natural resources for the next generations. These include:

1. Renewable energy sources

Some economists advocate green growth, the kind of growth that will not hurt the environment. This increase can happen if "dirty" activities that damage nature are converted into "clean" activities that will have little or no impact on the environment. This includes renewable energy sources that have a small impact on the environment. It is also necessary to create "smart", clean cities with a low level of emissions and an energy transition that will support sustainable development.

2. CSC, capture and storage of carbon

In the past, humanity released huge amounts of carbon into the air, and today, in the context of "clean energy", it is necessary to actively collect part of the carbon released into the air and then capture it safely. This carbon capture and storage (CCS) can be realized with filters that capture some of the carbon emitted from fossil fuel power plants, fan towers that remove it directly from the air, and bioenergy plants that capture greenhouse gases while processing crops and plants. which pumps the carbon down into the rocks and moves it deep and safely aside.

3. Establishment of marine protected areas/sustainable fishing

First of all, a net of prohibited fishing should be created in all coastal waters. At the moment there are 17,000 marine protected areas (Marine Protected Areas MPA), but still, this is a small percentage of the oceans, and there are also places where fishing is allowed. It is necessary to monitor the most important fish fonds and to refrain, that is fishing only on a sustainable scale.

4. Marine aquaculture/fish farms

The marine aquaculture sector has good practices for sustainable seafood farming in fish farms. Their ponds are widely distributed in the murky water to disperse their effect, most of them are located several kilometers from the coast to benefit from the stronger water currents. The fish in those ponds are grown at a much lower density, due to the better breeding conditions.

5. Urban farming/hydroponics/vertical farming

There is a trend for farmers to produce food from spaces that are already used for other purposes. Urban agriculture is a new practice for the commercial cultivation of food products in cities. Today, they grow food on rooftops, in abandoned buildings, underground, in planters on office windows, and even in parking lots where the cars parked underneath provide shade. These farms use environmental control, low-energy lighting, as well as hydroponics, growing plants in water filled with the necessary nutrients. In this way, the growing conditions are improved to the maximum, and the need to add soil, water, and nutrients is reduced to a minimum. There is also the possibility of vertical farming, where layers of different plants, often salad crops, are layered on top of each other, illuminated by LED lights that use renewable energy, and fed through a nutrient medium that arrives via feeding pipes.

6. Sustainable logging

It is necessary to introduce sustainable logging, in which only selected trees will be felled and then carefully removed with a certain dynamic that will mimic the natural cycle of change in a forest. In this way, biological diversity can be preserved, and a special forest logging system can be introduced.

7. Circular economy

It is necessary to replace the model of "take-create-use-discard" with a model in which raw materials will be seen as nutrients that must be recycled, just like the nutrients in nature. It is necessary to find ways to reuse products and raw materials. Those substances and chemicals that cannot be recycled and are dangerous for the environment, will have to be removed from the economy (such as Hydrofluorocarbons NFCs) used in refrigerators and air conditioners. The ultimate goal of the circular economy is to create a world without pollution, without plastic in the oceans, without toxic gases in the air, and without burning tires and oil spills.

By applying these and other measures, better quality and more efficient protection of the environment will be enabled, while care will also be taken for the needs of the next generations, for humanity, but also the plant and animal life.

5. CONCLUSION

The principle of sustainable development, along with other environmental principles, is the basis for creating conditions for environmental protection on a global scale. For this purpose, within the framework of international environmental law, numerous declarations, conventions, action plans, and other documents have been adopted, which represent the basis for applying the principle of sustainable development as a global phenomenon.

However, with the development of the modern way of life, the use of technical-technological benefits, etc., the environment is greatly endangered and polluted, which has incomprehensible and serious consequences for human health, animal and plant life, and the total biodiversity in planet Earth.

For this reason, in recent times it is necessary to reaffirm the need for sustainable development, by proposing and implementing modern methods in the economy, agriculture, forestry, fishing, etc. The Governments in the global framework must commit to the full implementation of the international documents once again in the field of environmental law, to take concrete measures and activities for the adequate application of the principle of sustainable development. It is also necessary to apply the latest knowledge and methods for circular economy, urban agriculture, use of renewable energy sources, sustainable logging of forests, etc. to create and maintain a healthy environment for current and future generations.

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LEGAL AND ORGANIZATIONAL ASPECTS OF FIGHT AGAINST NARCO-CRIMES IN SERBIA: STATE AND DEVELOPMENT

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Abstract

Paper deals with the problem of drug abuse in Republic Serbia which is one of the most difficult forms of the organized crime. The first part gives an overview of the concept, type and characteristics of the drug. The second part is dedicated to the national legislative framework for combating drug abuse. Particular attention is paid to solutions in the Criminal Code, strategic documents and action plans, then to authorized bodies (court, prosecution, police, and medical institutions) as well as multi-agency co-operation on the national level. The situation and the movement of narco crime were based on data from investigations of charged and convicted persons within ten years period. In concluding considerations state the need for harmonization of legal solutions in accordance with court practice and EU standards as well as strengthening the social response.

Key words: drugs, narcotics, illegal production and trade, crime, Serbia.

1. INTRODUCTION

Drug abuse is a problem *par excellence* of contemporary society and the international community as a whole, which has equally affected all countries of the world. As a special form of organized crime it seriously threatens to demolish all the achievements of human civilization. There is a large number of destroyed lives of narcotic consumers who are the main victims, but also of destroyed families and broken communities. Of particular concern is the vast popularity of the drug among young people and children in recent times. The problem of gaining weight if one takes into account that the profit from the illegal production and traffic of drugs finances terrorist organizations and other criminal activities.

The International Community has reacted through the UN as the most important international organization, i.e. the League of Nations as its legal predecessor. Several international conferences were held and several international documents were adopted, both before and after the World War II. States Parties undertook to ratify these documents and to incorporate solutions into national legislation, including Serbia as the legal predecessor and then the successor of the SFRY.

The states have harmonized criminal legislation, formed specialized bodies for the suppression of drug abuse, and implemented special investigative techniques for detecting felonies and perpetrators. In addition to legal, states have launched medical and social measures to assist and support drug victims and their families.

Serbia has adopted all international conventions aimed at combating drug abuse, novelled national criminal legislation and incorporated modern solutions into Criminal (Procedure) Code. Organizational changes were made and special law enforcement services were established: Police (Criminal police directorate, within Fight against Organised Crime Service and Fight against Narcotics Service), the Prosecutor's Office (Organized Crime Prosecution Office), the Court (Specialized Courts for Organized Crime), Criminal Sanction Services (Special Detention Unit) and within Government (Office for Combating Drugs etc). The novel model was largely built on the basis of good practice and solutions of the USA and EU who were the first to meet with the most severe manifestations of organized crime, especially drug abuse.

Significant places in the fight against drug abuse have Strategy for the Prevention of Drug Abuse 2014-2021 and the Action Plan for Implementation of the Strategy for 2014-2017. Within the policy of combating crime, especially emphasized is the suppression of drug abuse, since victims are mostly young.

Successful fight against drug abuse and organized crime implies international (criminal) cooperation on the multilateral, regional and bilateral level with the aim of anti-criminal solidarity in the fight against organized (narco) crime.

2. LEGISLATIVE FRAMEWORK FOR COMBATING NARCO CRIME

The most important law framework to fight against narco crime in Serbia are Law on Psychoactive Controlled Substances, Law on Substances Used in Illicit Manufacturing of Narcotic Drugs and Psychotropic Substances, Criminal Code, Criminal Procedure Code and the Law on Seizure and Confiscation of the Proceeds from Crime. The framework is complemented by the Drugs Prevention Strategy 2014-2021 and the Action Plan for Implementing the Strategy 2014-2017 which is now being questioned, bearing in mind that the new Strategy and Action Plan after 2021 have not been adopted.

At the top of the pyramid is the ***Law on Psychoactive Controlled Substances***, which regulates the conditions for the production and circulation of psychoactive controlled substances; conditions and procedure for issuing a license for production, trade, export, import and transit of psychoactive controlled substances; conditions for cultivation, processing and trade of plants from which psychoactive controlled substances can be obtained; application of psychoactive controlled substances; supervision of law enforcement, as well as other issues in this area important for the protection of people's lives and health. In other words, this law establishes a legal framework in which certain entities that participate in work with psychoactive controlled substances can operate, all with the aim of protecting the lives and health of people in Serbia. The Ministry of Health is responsible for the implementation of this law, which, among other things, determines which substances are psychoactive, authorizes laboratories for testing psychoactive substances, controls the production of these substances, issues permits for import, export and transit of these substances, etc.

Law on Substances Used in Illicit Manufacturing of Narcotic Drugs and Psychotropic Substances regulates the conditions for the production and wholesale trade of substances used in the illegal production of narcotic drugs and psychotropic substances, supervision in this area to

prevent their abuse or use for illegal purposes, as well as other issues of importance for this area. It follows the previously mentioned and they complement each other. The Ministry of Health is also responsible for the implementation of this law.

Criminal Code is the most important criminal justice legislation which incriminates concrete specific felonies involved in Title XXIII - Criminal Offense against Human Health. Systematization of these felonies has been made on the model of European criminal law, with respect to Serbian legal tradition and good practice. In combating narcotics Serbia have issued felonies: Unlawful Production and Circulation of Narcotics (art.246), Unauthorized Possession of Narcotics (Art.246a) and Facilitating the Taking of Narcotics (Art.247).

Unlawful Production and Circulation of Narcotics (art.246) is the first in a series of felonies that have incriminated the following acts: unlawful production, processing, sale, offer or purchase for the purpose of further sale, holding, transfer or brokerage, purchase or otherwise unlawful placing on the market of substances or preparations that are the subject of a drug. For the basic form of this felony a prison of 3 to 12 years is issued (paragraph 1).

Imprisonment from 6 months to 5 years shall be imposed on a person who unlawfully grows opium poppy, psychoactive hemp or other plants from which narcotic drugs are produced or which themselves contain narcotic drugs (par.2)

The first qualified form refers to the commission of the felony by a group and when the perpetrator organizes a network of resellers or mediators, with a prison sentence of 5 to 15 years (par.3).

The same punishment (5-15 years) is issued for those who sell, offer for sale or give narcotic drugs to a specific category of persons without compensation for the purpose of further marketing. These are minors, mentally ill persons (permanently or temporarily), severely mentally retarded persons and persons undergoing treatment for addiction to narcotic drugs. In addition, the same penalty is also punishable if someone puts on the market a narcotic drug mixed with a substance that can lead to severe damage to health (this includes various substances in any aggregate state that are harmful to the human body, such as poisons, artificial fertilizers, medications and the like). The following group of execution actions related to paragraph 1 of this article and to a special place of execution where more severe punishment is issued if it is done in an educational institution or in its immediate vicinity or an institution for the execution of criminal sanctions or in a public place or at a public event. The next form of the felony is related to the nature of the perpetrator and the forms from paragraphs 1 and 2 of this article, and a heavier punishment is issued for an official, doctor, social worker, priest or person employed in an educational institution. A special condition for this form is that it was carried out by taking advantage of the position of the perpetrator or that a minor is used for the execution of that felony (par.4). This type was introduced in 2019 in the process of harmonization with European legislation (Djordjević, 2020: 60).

The other form includes execution by an organized criminal group, which is punishable by minimal imprisonment of 10 years (par.5).

The facultative possibility of exemption from punishment (par.6) exists if the perpetrator of a felony finds out who he/she is procuring narcotic drugs from.

Imprisonment from 2 to 5 years shall be imposed on any person who, without authorization, procures, possesses or gives for use the equipment, material or substances that they know are intended for the production of narcotic drugs (par.7). Narcotic drugs and resources for their production and processing are subject to confiscation (par.8).

Second felony related to the abuse of narcotic drugs is *Unauthorized Possession of Narcotics* (Art.246a) introduced in 2009. The first form refers to unauthorized possession of lesser amounts for own use of substances or preparations that have been proclaimed as narcotic drugs, a fine or imprisonment of up to 3 years is issued and may be exempt from punishment (par.1). The second form refers to unauthorized possession of a large quantity of a substance or preparation that has been declared a narcotic drug and is punishable by a prison sentence of three to ten years (par.2). In both cases the court also has the optional possibility to release the perpetrators from punishment in the case they reveal who supplied them with narcotic drugs (par.3). If the perpetrator of the felony referred to in par.2 is sentenced to prison, that sentence cannot be served in the premises where he/she lives. Obligatory seizure of narcotic drugs as a subject of a felony (par.3) has been issued.[1]

Possession of narcotics was criminalized in the criminal legislation of Serbia in 2003 because it was not possible to prove the intention to further resell narcotics. However, it must be taken into account that a drug addict is not a crime, but sick from addiction, and that before consumption, he/she simply has to possess the drug. Also, most drug addicts become dealers in order to finance their own addiction. Current incrimination is questionable from the point of view of practice and the intent of decriminalizing possession of narcotic drugs for personal needs. There is also the question of distinguishing between smaller and larger quantities of drugs, as well as establishing the facts as to which quantity is needed for one's own needs. In some countries, possession of a drug for personal needs is permitted and does not constitute a felony, while in some cases it has been transferred to the misdemeanour area. Also, double offense (misdemeanour and criminal) would be contrary to the principle of *ne bis in idem*[2] and Protocol No.7 with the Convention for the Protection of Human Rights and Fundamental Freedoms.[3]

Circumstances related to the way of packaging may also be relevant, more specifically, whether the drug is in a lump or divided into a larger number of packets, as well as the number of those packets and their weight. If the packets are of different weights and in such dosages that none correspond to what the defendant stated were his daily amounts, those arguments challenge the defendant's defence to the manipulative allegations that he intended to keep the drugs for his own use. The circumstances of the specific criminal event, i.e. the way and place where the defendant kept the narcotic drug, should also be appreciated, which points to his intention and awareness to keep a small or large amount of narcotic drug, as well as whether other items related to consumption or distributing narcotic drugs, such as precision weighing scales, narcotic drug bags, substances mixed with narcotic drugs, money, mobile phones, etc. The next group of criteria of importance for levelling the amount of narcotic drugs are those related to the personality of the defendant, i.e. the motives for acquiring illegal substances, the course and form of addiction to narcotic drugs and his current mental state, the frequency of narcotic drug consumption, his/her personal and family circumstances and previous convictions, i.e. whether the defendant is a returnee and whether he previously committed the same or the same type of crime, e.g. whether he was convicted of possessing a small quantity of intoxicating drugs, or of selling, enabling enjoyment, etc. (Krstić, 2022:115-116).

One of the criteria is how much of a certain type of narcotic drug the average user of that narcotic drug needs in a few days. As a rule, in specific cases where this criminal offense has been

[1] See more: Delić, 2020: 117-130
[2] See more in case law of European Court of Human Rights: Zolotukhin v. Russia, Maresti v. Croatia, Muslija v. Bosnia and Herzegovina and Milenković v. Serbia
[3] See more: Rodić, 2021: 49-82; Mrvić Petrović, 2014:27-39; Ilić, 2017:21-34.

applied, these are minor amounts, which, when it comes to marijuana, range up to several grams (Kolarić, 2020:81). The fact that the defendant was holding the drugs for their personal consumption must be established by the finding and opinion of a psychiatric court expert (Verdict of Belgrade Higher Court, Kž.1 656/17).

For *Facilitating the Taking of Narcotics (art.247)* as felony imprisonment from 6 months to 5 years is issued for the person who induces another person to take narcotics or gives narcotics that he/she or another person uses, or renders available premises for the enjoyment of narcotic drugs or in another way allows others to enjoy narcotics (par.1).

A qualified form exists if the felony referred to in paragraph 1 of this article was committed against a special category of person (a minor, a mentally ill person (temporarily or permanently), a person with severe mental retardation or a person being treated for addiction to narcotic drugs, or according to several persons. This form also exists if it was done in a special place, namely: in an educational institution or in its immediate vicinity, an institution for the execution of criminal sanctions, in a public place or at a public event. A qualified form also exists considering the nature of the perpetrator if he/she is an official, doctor, social worker, priest or a person employed in an educational institution. This form must also be executed while taking advantage of its position. The issued penalty is imprisonment from 2 to 10 years.

A particularly difficult aggravated form (par.3) exists if a person's death is caused by the execution of the felony issued in par.1, when the perpetrator is punished by imprisonment of 3 to 15 years. As with previous felonies, mandatory seizure of drugs is issued.

In practice, there is a dilemma about interpreting a situation when a person is renting an apartment for example, and uses it for enjoying narcotic drugs. Such situations should be interpreted restrictively and functionally, only if the facilities were explicitly provided for the enjoyment of narcotic drugs. The same is the case with the misuse of public premises when the owner can't know what his/her guests are doing, as well as when healthcare workers allow the drug addicts to overuse the narcotics because this 'treatment' is not known in the regular medical procedure (Ignjatović, Škulić, 2019:212).

Criminal Procedure Code introduces a solution to the contemporary concept of Prosecution Investigation. The Police and the Prosecution have at their disposal *general* (art.85-159) and *special* acts of proving (art.160-187) which include special investigative methods and techniques to combat the most serious forms of organized crime and terrorism.

Law on Seizure and Confiscation of the Proceeds from Crime resulting from the criminal act was made on the basis of the UNCATOC Convention, which provides modern software for the fight against organized crime (Božić, Nikač, 2017:239-241). The purpose of the regulation is to prevent the funding of organized criminal groups and their bosses. The law envisages financial investigations, temporary and permanent seizure of property.

The strategic documents of importance to combating abuse of narcotics are Drugs Prevention Strategy 2014-2021 and Action Plan for Implementing the Drugs Prevention Strategy 2014-2017. These are by-laws that highlight multi-agency approach and international cooperation with other countries and international organizations. When we talk about strategic documents, we must also mention the Strategic Assessment of Public Safety (SAPS) and the Serious and Organized Crime Threat Assessment (SOCTA), which are part of the Intelligence-Led Policing[4] methodology. Since their introduction at the end of 2015 (first SOCTA) and 2017 (first SAPS) until today, both documents recognize narco crime as a priority in the policing of the Serbian police.

[4] See more Djurdjević, Leštanin, 2017:3-16

3. AUTHORIZED SERBIAN BODIES FOR COMBATING NARCO CRIMES

The most important organs for combating drug abuse are Police, State prosecution and Court. In addition to the body of narco crimes, there are important Agencies in the RS Government and Ministries, including the Office for Combating Drugs, Commission for Psychoactive Controlled Substances, Commission for Precursors, and Centre for Monitoring Drugs and Drug Addiction.

Police are the most important body to combat drug abuse. In the criminal proceedings, the police are subordinated to the prosecutor's office and work under his/her supervision and supervision in detecting and prosecuting crimes. The organization, tasks of the police and policing are defined in more detail by the Police Law and the Law on Ministries (art.11).

Within the MOI RS General Police Directorate is the Criminal Police Directorate, which is an integral part of the *Fight against Organised Crime Service* established in 2001, within which is the specialized Department for the Suppression of Organized Drug Trafficking[5]. Service is directly subordinate to the Prosecutor's Office for Organized Crime to whom it answers for its work, and the chief of the Service is appointed on the basis of the opinion of the Special Prosecutor's Office. The same regulation issues striking groups to combat certain manifest forms of organized crime.

Fight against Narcotics Service established in 2013 conduct proactive investigations aimed at combating the illicit traffic of all types of narcotics and precursors on the territory of the entire country. It also has the mandate to implement strategic projects related to the prevention of drug abuse. The framework of the Service also includes the supervision of all investigative actions aimed at suppressing narcotics, which are carried out by regional police departments (together with prosecutors), all with the aim of establishing and maintaining equivalent practices and methodologies for the fight against narcotics throughout the country, as well as spreading examples best practices in the prevention of crime related to drug abuse. In addition to the prosecutor's office, Service also cooperates with other public authorities at the national and international level in order to achieve the set goals (http://mup.gov.rs).

Public Prosecutor for Organized Crime manages criminal prosecution of perpetrators of organized crimes. Public Prosecutor is responsible for criminal offenses that are prosecuted ex officio, and in this sense it: a) manages the pre-investigation, b) decides on not starting or postponing prosecution, c) conducts investigations, d) concludes the agreement on the recognition of the offense and the agreement of evidence, s) raises and represents the charges, f) may terminate the charges, g) submits regular and extraordinary legal remedies, h) takes other actions.

All state organs are obliged to act on the prosecutor's request to detect criminal offenses and perpetrators. The police and other state organs are obliged to comply with each request of the competent public prosecutor, and in case of non-prosecution the prosecutor may inform the Government and the National Assembly and request the initiation of disciplinary proceedings against the responsible person.

[5] The department performs tasks of monitoring and trends in the forms of organized smuggling of narcotic drugs and activities of organized criminal groups in this area in the Republic of Serbia and at the international level. Department directs activities to cut smuggling channels. It also acts in complex criminal cases from this area, by order of the competent prosecution and the court. Organizes and participates in police actions at the international and national level. Conducts trainings and conducts trainings of police officers and participates in the education of other entities that participate in the suppression of narcotic drug offenses. According to http://mup.gov.rs/wps/portal/sr/arhiva/informator+o+radu (05.10.2023)

Special Department of Higher Court in Belgrade for Organized Crime is competent in cases of abuse of narcotic drugs when it comes to organized crime in the first step. In appeal proceedings as a second step the Special Department of Appellate Court in Belgrade for Organized Crime is competent.

Office for Combating Drugs is a Government's agency that coordinates the work of state administration bodies and carries out professional, administrative and operational affairs relating to the fight against drugs. Organization, jobs, tasks and other issues are regulated in more detail by the RS Government Decree on the Establishment of the Office for Combating Drugs.

The task of ***Commission for Psychoactive Controlled Substances*** is to harmonize expert opinions in the field of psychoactive controlled substances, to provide expert opinions in accordance with the law, to update the list of psychoactive controlled substances, to monitor the harmonization and implementation of program activities in the field of psychoactive controlled substances, etc. The ***Commission for Precursors*** proposes to the Minister the List of Precursors; monitors the use of substances outside the List of Precursors; gives expert opinions and monitors the situation in the area of precursors; cooperates with all subjects in solving observed problems related to production, that is, the circulation of precursors, as well as substances outside the list of precursors, that is, it provides them with the necessary professional information and more. The ***Centre for Monitoring Drugs and Drug Addiction*** performs tasks related to the early warning system in order to quickly exchange data on the production, trade, use and risks of the appearance of new psychoactive substances in order to prevent their harmful consequences, to respond in a timely manner in the event of the appearance of a new psychoactive substance on the market and achieved rapid communication between the competent bodies at the national and European level and the work of a contact point for cooperation with the EMCDDA[6].

Other organs of importance for the suppression of drug abuse are the organization and body for logistical support. The Department of Dependence Disease *(Special Hospital for Dependence Disease)* is one of the most competent institutions for treatment and drug treatment of drug addicts and other forms of addiction (https://www.drajzerova.org.rs/content/vizija-misija-i-vrednosti). At this point, it must be noted that health institutions, educational institutions (preschools, schools and universities), social protection institutions, sports organizations, local governments (municipalities and cities), civil society organizations and the Red Cross have their role in the fight against narco crime.

4. STATE AND DEVELOPMENT OF NARCO CRIMES IN SERBIA: RESULTS AND DISCUSSION

State and development of narco crimes in Serbia have been explored in ten years period between 2013 and 2022 in relation to three aforementioned felonies according to the following variables: 1) Reported perpetrators of narco crime in Serbia 2013-2022; 2) Reported perpetrators of narco crimes by age; 3) Convicted perpetrators of narco crime in Serbia 2013-2022; 4) Convicted perpetrators of narco crimes by age; 5) Reported perpetrators of narco crimes according to type of felony; 6) Convicted perpetrators of narco crimes according to type of felony; 7) The quantity of seized narcotics in the period 2013-2021[7]; 8) Types of seized narcotics in Serbia 2015-

[6] The European Monitoring Centre for Drugs and Drug Addiction (EMCDDA) is the reference point on drugs and drug addiction information in Europe. Inaugurated in Lisbon in 1995, it is one of the EU's decentralised agencies. Retrieved from https://www.emcdda.europa.eu/index_en (05.10.2023)

[7] Data on seized drugs in 2022 have not yet been published by the Ministry of Interior

2021[8]; 9) Imposed criminal sanctions for narco crimes toward adults 2013-2022; and 10) Educational measures for narco crimes toward juveniles 2013-2022.

The data were taken from the official reports of the Statistical Office of Republic of Serbia[9] and the Ministry of Interior of Republic of Serbia[10], on the basis of which the tables and charts were created. The results obtained in this way were analyzed in terms of state and trends.

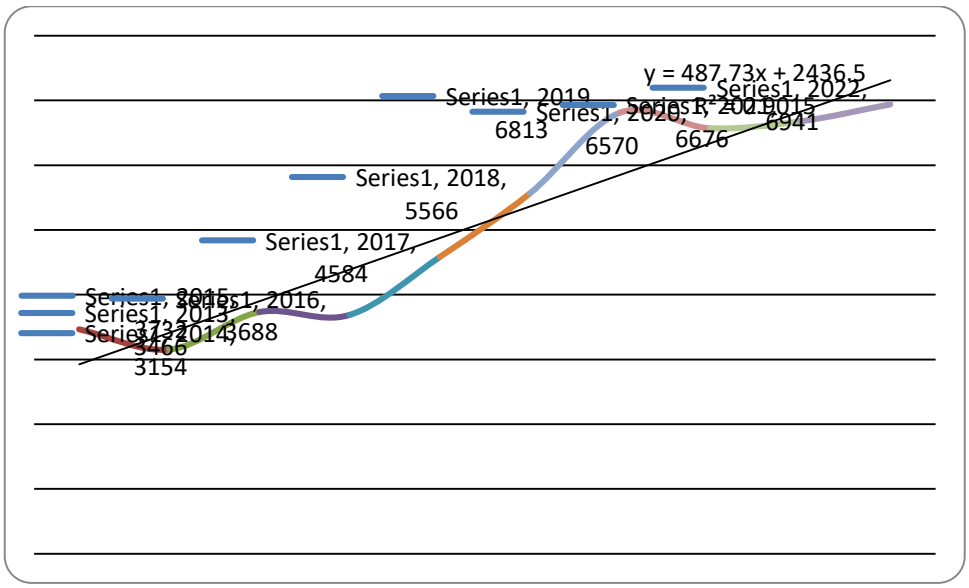

Chart 1 – Reported perpetrators of narco crimes in Serbia 2013-2022 (Source: Statistical Office)

As can be seen from Chart 1, narco crime in Serbia increased during the observed period. In the initial years 2013-2016, the increase is barely noticeable by some 6%. However, from 2017 to 2019 we see a sudden increase of 100% in total and individually 2017-20%, 2018-18%, 2019-19%. In the last three years, we have noticed a slowdown in growth, but the number of persons reported for narco crimes is approaching the figure of 7,000 persons. Authors relate this trend to the adoption of the aforementioned strategic documents in the work of the Serbian police (SAPS and SOCTA).

[8] Data on types of seized drugs in 2013, 2014 and 2022 have not been published by the Ministry of Interior
[9] https://www.stat.gov.rs/sr-Latn/oblasti/pravosudje/maloletni-ucinioci-krivicnih-dela and https://www.stat.gov.rs/sr-Latn/oblasti/pravosudje/punoletni-ucinioci-krivicnih-dela (27.09.2023)
[10] http://mup.gov.rs/wps/portal/sr/arhiva/informator+o+radu (05.10.2023)

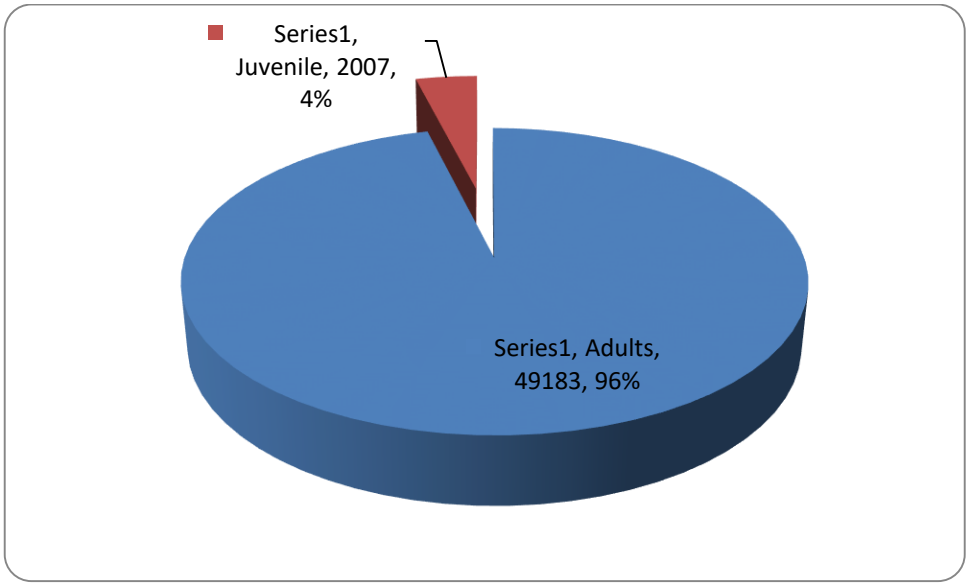

Chart 2 – Reported perpetrators of narco crimes by age (Source: Statistical Office)

When we look at the reported perpetrators by age (Chart 2), we notice that the majority of reported persons are adults and that the participation of juvenile delinquency is minimal. One research in Serbia showed that juvenile narco crime is increasing, and in this sense, it should draw attention to the need to conduct research that would enable finding a practical solution to the problem of the increase in the number of juvenile perpetrators of narco crimes.[11]

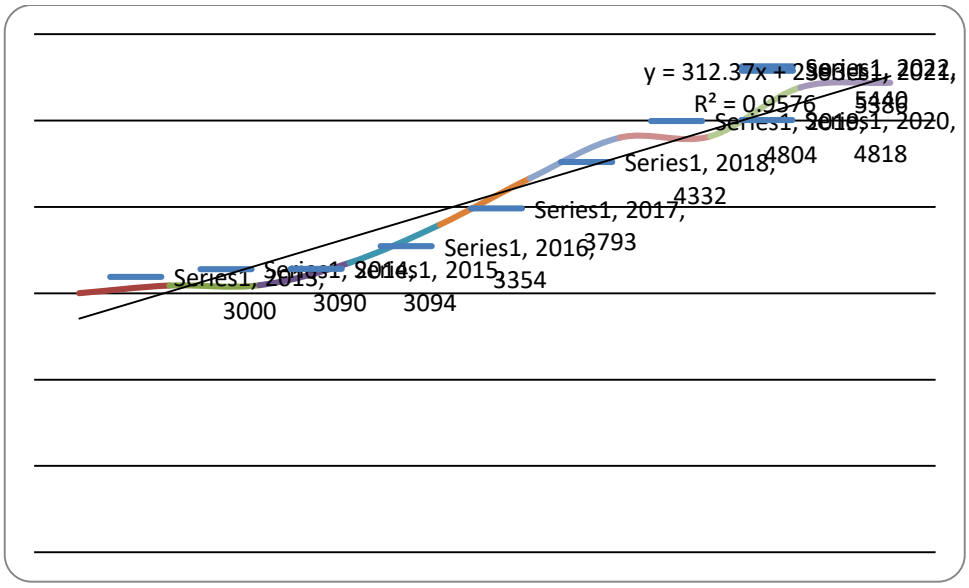

Chart 3 – Convicted perpetrators of narco crimes in Serbia 2013-2022 (Source: Statistical Office)

[11] Lajić, O., & Didanović, A. (2022). Juvenile Drug-related Crime in Serbia: Current Situation and Tendencies. *Bezbednost, Beograd*, *64*(3), 42 (22-45)

On the other hand, if we investigate the number of people convicted of narco crimes in the given period (Chart 3), we see that the parable looks somewhat different than that of the reported perpetrators, but we also see a trend of almost 100% increase. However, looking individually by year, the growth starts in 2016 until 2019, but again in 2020 an increase of about 10% is observed. As we can see, the courts follow the increased number of cases discovered by the police.

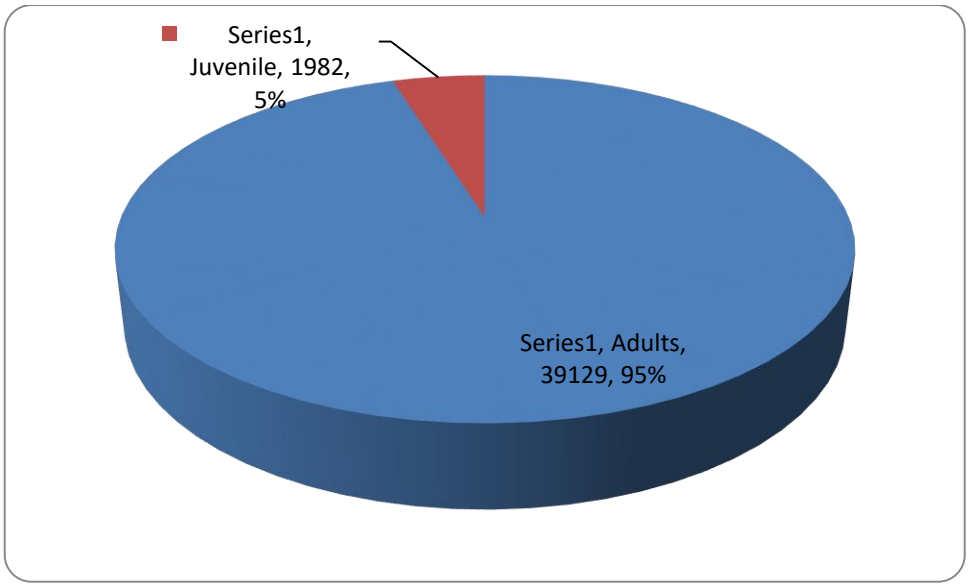

Chart 4 – Convicted perpetrators of narco crimes by age (Source: Statistical Office)

Looking at the convicted perpetrators of narco crimes in Serbia (Chart 4), we see that juvenile delinquency has a higher share than reported perpetrators by 1%, which is a significant shift. Here it must be taken into account that certain categories of young people can be judged as juvenile delinquents regardless of the fact that they have reached the age of 18.

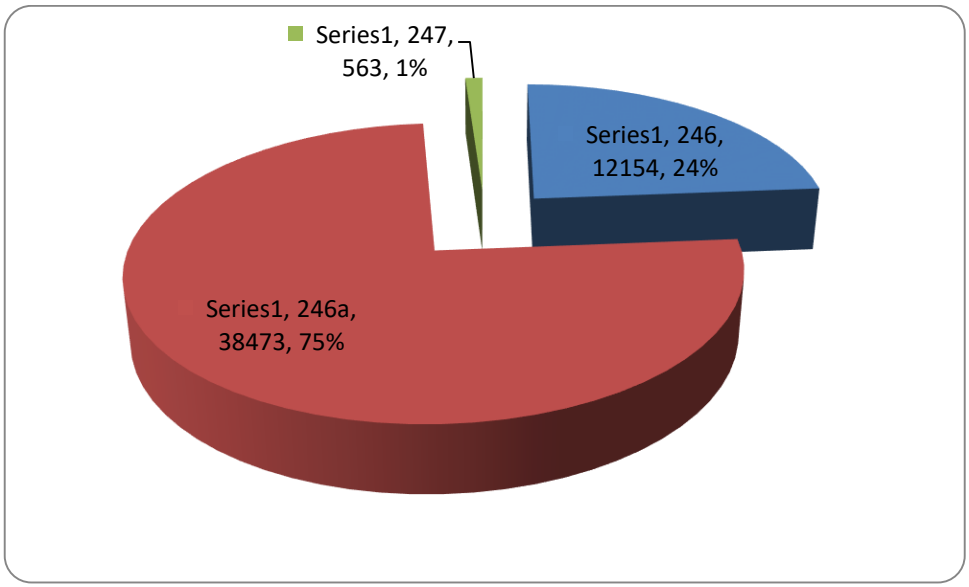

Chart 5 – Reported perpetrators of narco crimes according to type of felony (Source: Statistical Office)

As we pointed out, narco crime in Serbia has three types according to the criminal legislation (Unlawful Production and Circulation of Narcotics – art.246, Unauthorized Possession of Narcotics – art.246a and Facilitating the Taking of Narcotics – art.247). Looking at this issue according to its types of reported perpetrators (Chart 5), we see that in 75% it appears as Unauthorized Possession of Narcotics, in 24% as Unlawful Production and Circulation of Narcotics and only in 1% as Facilitating the Taking of Narcotics. From these results, we can see that policing is focused on drug possession and street search and seizure. Here, the philosophy must be changed and policing must be focused on organized crime. Street search and seizure should not be neglected because it can represent a significant source of intelligence in policing.

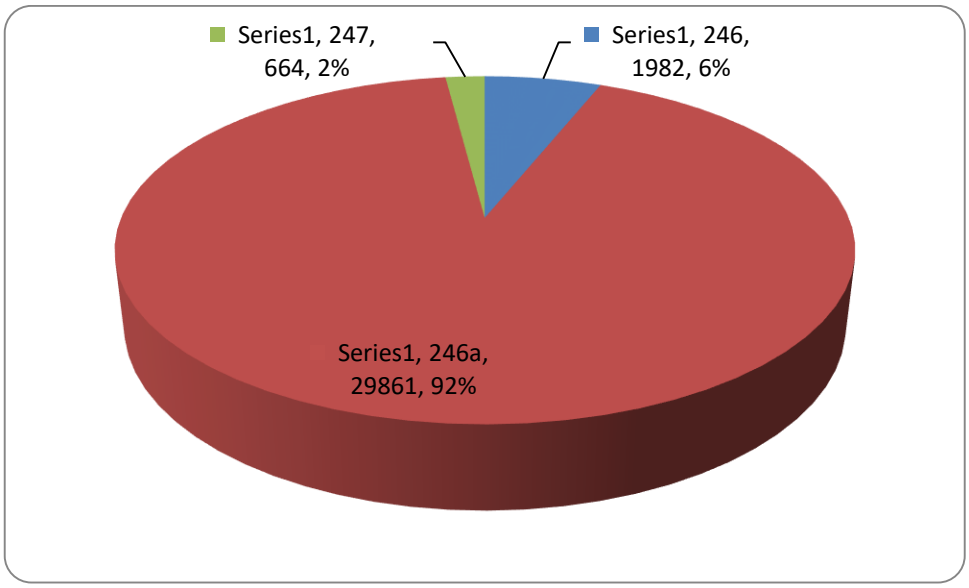

Chart 6 – Convicted perpetrators of narco crimes according to type of felony (Source: Statistical Office)

The situation is somewhat different if we look through the prism of types of narco crimes and convicted perpetrators (Chart 6). There, the primacy of Unauthorized Possession of Narcotics is observed in as much as 92%, to the detriment of Unlawful Production and Circulation of Narcotics which appears in only 6% and a slightly higher percentage of Facilitating the Taking of Narcotics of 2%. A significant 'overflow' from Unlawful Production and Circulation of Narcotics to Unauthorized Possession of Narcotics can be observed here, because the understanding of the police and the prosecution does not coincide with judicial case law. A significant number of perpetrators were previously accused for Unlawful Production and Circulation of Narcotics as a more serious felony, but during the proceedings they were convicted of a milder felony of Unauthorized Possession of Narcotics.

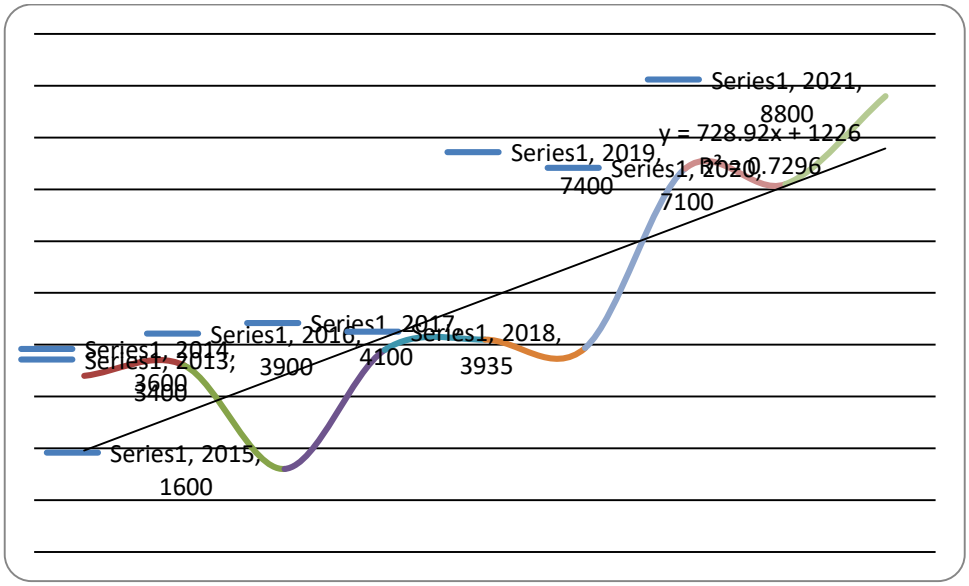

Chart 7 – The quantity of seized narcotics (kg) in the period 2013-2021 (Source: Ministry of Interior)

One of the probably most important parameters in the fight against narco crime, not only in Serbia but in general, is the amount of seized narcotics by police (Chart 7). In Serbia, this parameter records different trends from year to year, but generally records an increase of 77%. Individually by year, we observe a sharp drop of 55% in 2015, in the period 2016-2018 it returns to the old trend, while 2019 records an increase of 47% and 2021 of 19%.

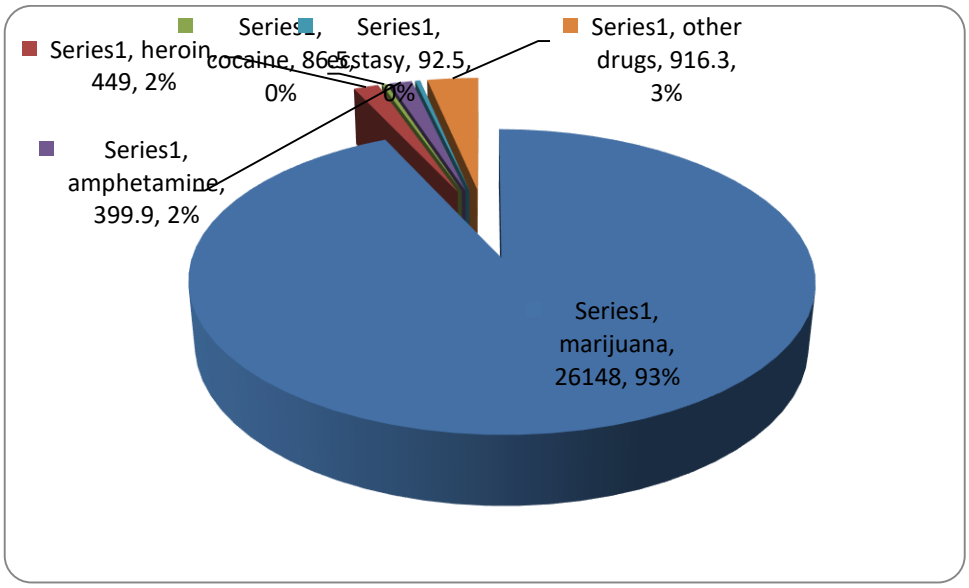

Chart 8 – Types of seized narcotics in Serbia 2015-2021 (Source: Ministry of Interior)

The Serbian police is mostly concentrated on confiscation of marijuana (93%), heroin and amphetamine 2% each, cocaine and ecstasy are at the level of statistical error (118.5 kg of cocaine and 92.5 kg of ecstasy) and other types of narcotics appear in only 3% (Chart 8). Analyzing the work of the police in Serbia in the fight against narco crime, we can see that it is largely aimed at

discovering laboratories for growing marijuana, which is also confirmed by this chart. The number of uncovered laboratories and the amount of confiscated drugs in the last two decades suggest that the illicit production of drugs, especially synthetic drugs, is a serious social problem in our country. The largest number of laboratories has been uncovered in Belgrade, where the highest numbers of organized criminal groups were registered - criminal groups whose predominant criminal activity is illegal drug production and trafficking (Otašević, Kolarević, Radovanovic, 20201137-1138).[12] On the other hand the legalization of marijuana took over portion of organized crime group profits and transferred them to state budget through taxes. Furthermore, police resources are freed up to deal with other types of crime and improved clearance rates. However, black market continues to exist in parallel with legalization of marijuana due to complex legislation and high taxes (Matić Bošković, 2020:387). Risimović (2018:262) states that research so far has not proven a cause-and-effect relationship between the medical use of cannabis and the growth of prevalence on the market.[13]

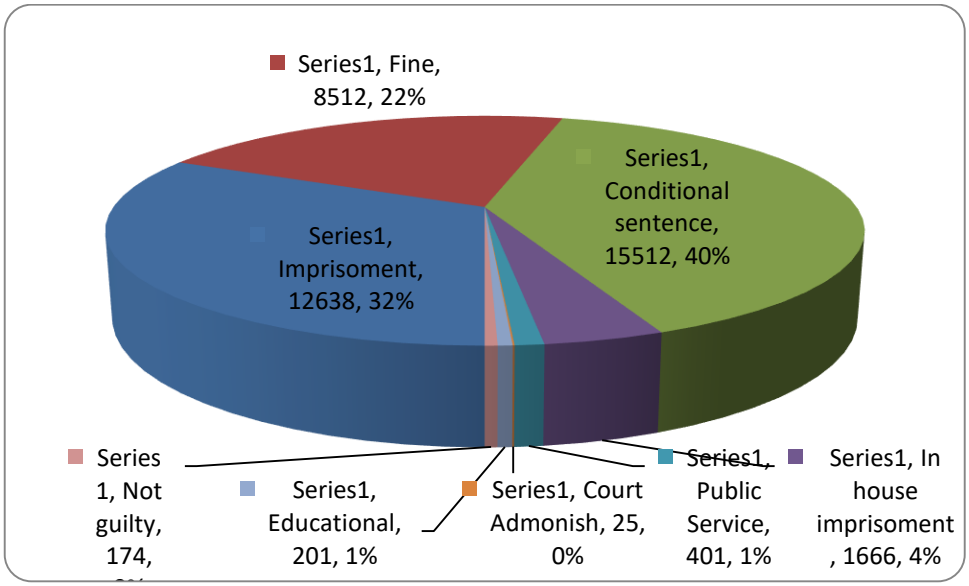

Chart 9 – Imposed criminal sanctions for narco crimes toward adults 2013-2022 (Source: Statistical Office)

We need to take into account that criminal legislation, through the criminal sanctioning of the perpetrator, affects both crime in general and drug crime. Investigating the criminal sanctions imposed by the courts on the adult perpetrators, we see that a conditional sentence is the most common type of impact on narco crime (40%), a imprisonment in 32%, a fine in 22%, in-house imprisonment in 4%, public service and educational measures in 1% each, while court warnings and not guilty are at the level of statistical error and below 1% (Chart 9).

[12] See also: Otašević, Kolarević, 2020:5-27
[13] Same in Otašević, 2023:201

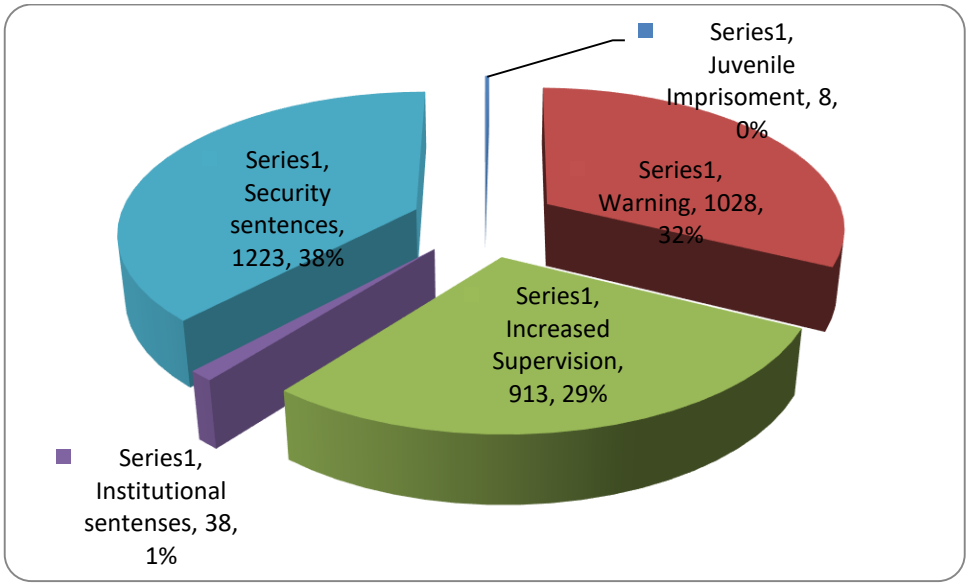

Chart 10 – Educational measures for narco crimes toward juveniles 2013-2022 (Source: Statistical Office)

As we have seen, juvenile narco crime is at a minimal level and prosecutions are rare. However, if it is assessed that criminal proceedings are necessary (Chart 10), it most often ends with the imposition of a security sentence (38%), a warning (32%) and increased supervision (29%). Institutional sentences are pronounced in only 1% of cases, while juvenile imprisonment is at the level of statistical error and below 1% (in the observed period, juvenile imprisonment was pronounced in only 8 cases).

5. CONCLUSION

The legal system of Serbia has norms that enable the fight against narco crime, but interventions are necessary in certain areas. It must be borne in mind that the law cannot regulate everything and influence all spheres of life. Legal norms must maintain their level of generality when issuing certain behaviors. As far as narcotics is concerned, the Serbian legal system has two legal acts which are the *lex generalis* in this area and which, generally speaking, issues permitted actions with narcotics and precursors. They are followed by the Criminal Code, which determines which actions involving narcotics and precursors are punishable and determines the penalties for that. Serbian Criminal Code has incorporated important incrimination within the criminal offences of human health protection. Their amendments should foresee the relocation of lighter offenses into the misdemeanour law relating to the 'smaller' amounts of narcotics and psychotropic substances for personal use. A drug addict (narcoman) is a patient who must be treated, and a narco crime is a danger to society and as such should be rigorously punished by the court. Possession of drugs in large quantities regardless of intent must be part of criminal legislation. The 'criminal zone' must move within the framework of the protection of human being and other fundamental social values and must not enter into solving the issues of medicine and psychiatry. The legislator's attention must also be focused on the decriminalization of marijuana in terms of harmonization with European legislation. This would contribute to the harmonization of RS national regulations with EU law in the application process for membership.

Serbia has enough public authorities involved in the fight against narco crime. Their cooperation, organization and coordinated work must be aimed at both prevention and repression. Prevention must be aimed primarily at 'reducing the market' so that with the decriminalization of certain forms, there would also be a real reduction in narco crime. By influencing the young population, through adequate education and depopulation of narcotism as a taboo issue, the 'souls and hearts' of young people as potential drug users can be influenced.

From the research, we noticed that the repressive activity of public authorities is getting bigger and bigger, but it still seems to be insufficient. Serbia has long been not only a transit country, but also a favorable market for narco crime. Organized crime groups are adapting to the latest technologies so policing must also follow the trends. The social reaction to narco crime is not enough only by the police, prosecutors, court and other public authorities. All levers of society must be involved in this fight, and the beginning must be the family as the basic social unit, and further, through the educational process, influence the very causes of narco crime.

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PROVIDING "LEGAL IDENTITY" FOR ALL – THE CASE OF THE REPUBLIC OF NORTH MACEDONIA

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Abstract

From birth, each individual has the right to have an identity. The identity of an individual is the assertion of his or her existence in a society and is a fundamental human right. However, hundreds of millions of people go without proper identification, without the means to officially verify who they are, and about half of the world's nations lack a system of universal birth and death registration. The UN has recognized that and so 'legal identity for all including birth registration' has been established as one of the UN Sustainable Development Goals for 2030.

When it comes to the Republic of North Macedonia, about hundreds of people were not registered in the birth register, without established legal and civil identity. As a result, these people could not receive treatment, use social assistance services, be involved in formal education, earn for a dignified life and acquire citizenship.The too long non-resolution of their status, the failures of previous initiatives and the real challenges and difficulties they faced imposed the need for a permanent and systemic solution to this burning problem.Just a few months ago, the amendments of few laws were finally adopted by the Parliament, with which all unregistered persons in the country who fought with the system to prove their legal identity, obtain personal documents, and thus gain access to basic rights, should become full-fledged citizens of the Republic of North Macedonia.

Through the analysis of the previous and current legal solutions to this problem, this paper will provide a more comprehensive analysis of the existing and future challenges that stand on the way of the ultimate goal - securing a legal identity for all.

Keywords: legal identity, SDG, human rights, citizenship, legislation.

Introduction

The 2030 Agenda with its 17 Sustainable Development Goals (SDGs) was adopted in 2015 by the United Nations General Assembly. The Agenda does not aim to create legally binding standards, but instead seeks to advance international political goals in the form of "a plan of action for people, planet, and prosperity", pledging that no one will be left behind.

Goal 16 is one of the broadest: "Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels". Each Goal has a set of more detailed targets: Target 16.9 requires that states should, by 2030, "provide legal identity for all, including birth registration".

Right now, there are 8.15 billion people on Earth, of whom 850 million cannot securely prove their identity. Most of this population is concentrated in Sub-Saharan Africa and South Asia, and includes disproportionately high numbers of women, as well as 164 million which are unregistered children under the age of five. (World Bank, 2021)

These many millions of people in the world, who cannot prove their identity, are often pushed to the margins of society with denied access to basic rights like: healthcare, schooling, social benefits and the freedom to vote, to drive, or travel across borders. What's more, because they do not "exist" in society, these people are often exposed to extreme vulnerabilities and excluded from the legitimate economy, simply because they cannot open a bank account, apply for a loan, or sign up to a mobile phone subscription. This creates huge barriers in terms of enabling individuals to flourish, and nations to grow.

Such situations were not an unknown problem in the Republic of North Macedonia. The inconsistent data exchange system of the institutions, the large number of bureaucratic procedures and poorly created laws have led to the fact that hundreds of people in the country did not have a legal identity. Often referred as "phantom" persons, these people did not have access to basic human rights. The case of Memet Camber, the 19-year-old boy who died due to undiagnosed diabetes, broke the glass. Memet did not have the opportunity to get health insurance and he went to the hospital for the first time when his health condition visibly worsened, and that with someone else's health card. Even after death, the boy could not be buried because he had no identity documents, so the procedure took more than three weeks. (Risteska, 2023)

In this direction, a series of legal amendments were approached in the last few years, the implementation of which in practice should successfully pave the way for the Republic of North Macedonia to become the first country in Europe and the second in the world to eradicate this burning problem from its territory.

By analyzing past and current legal solutions to this problem, this paper will provide a more comprehensive analysis of existing and future challenges that stand on the way of the ultimate goal of securing legal identity for all.

Legal identity- a fundamental human right

Legal identity is often regarded as a fundamental human right due to its intrinsic connection to accessing other rights and services. The ability to be recognized by the law and have an official identity is therefore acknowledged in nearly every major human rights instrument. For instance, in Article 6 of the Universal Declaration of Human Rights, it is articulated in terms of 'The right to recognition as a person before the law', and in Article 16 of the International Covenant on Civil and Political Rights, it is stated that 'Everyone shall have the right to recognition everywhere as a

person before the law'. (Kraft, 2021) The Convention on the Rights of the Child also reinforces the fundamental importance of the right to birth registration in its Article 7, which states that the child should be registered immediately after birth and have the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by his or her parents. The most recent international human rights instruments also contain provisions relating to birth registration, including article 29 of the International Convention on the Protection of the Rights of all Migrant Workers and Members of Their Families and article 18 the Convention on the Rights of Persons with Disabilities.(UN, 2014) Only, the European Convention on Human Rights (ECHR) doesn't explicitly mention "legal identity" as a standalone right. However, several articles within the ECHR indirectly touch upon aspects related to legal identity and its implications for human rights.[1]

Nevertheless**,** while international law emphasizes the importance of legal identity for the protection of rights, it doesn't provide a single, comprehensive definition. Instead, it acknowledges the multifaceted nature of legal identity and its significance in ensuring individuals' access to rights, services, and protections both within and across borders.

Legal or official identity, by the World Bank, is as an identity that carries a legal status, usually issued by governments to their citizens. These types of identity tend to include basic identifying information such as a person's name or date of birth and typical examples include birth certificates, voter registration cards, social security numbers and national identity cards. (World Bank, 2016)

According to another definition, legal identity is the registration and documentation of a person's existence that enables access to the benefits, responsibilities and rights afforded to them in their country. In short, it's a set of unique identifying information that includes details like name, date of birth and biometric or numerical data to authenticate the person. (Trivisas, 2022)

Eustat in his definitions refers to the legal identity as a status by which a person is recognised, with sufficient capacity for taking on obligations and carrying out activities that incur full legal responsibility, regarding themselves and third parties. Natural persons acquire their legal status at birth and lose it upon their death. (Insee, 2016)

According to the UN operational definition "legal identity" includes the basic characteristics, including individual's name, sex, and place and date of birth conferred through registration and the issuance of a certificate by an authorized civil registration authority following the occurrence of birth. (IOM, 2021)

However, something common to all definitions, is the notion that legal identity comprises a documented relationship between a person, the law and the state and it encompasses more than just birth registration. While birth registration is a critical component, legal identity encompasses a broader spectrum of elements that collectively establish an individual's recognized status under the law. This includes having official identification documents, nationality or citizenship status, and being recognized by the legal system within a particular jurisdiction.

[1]For example, in Article 8 of ECHR, the European Court articulates the individual's identity as an important part of a person's private life and puts a positive obligation on states to ensure legislative structures and procedures that enable individuals the possibility of obtaining their documents. (CE, 2018)

Legal identity for all – The case of the Republic of North Macedonia

Globally, an estimated 850 million people face challenges in proving who they are. Many are members of marginalized groups and over half of those without proof of identity are children whose births have not been registered.(World Bank, 2021)

North Macedonia was not an exception according to this problem. Publicly available data form 2021 confirm the fact that about 700 people were unregistered in the birth register, without an established legal and civil identity and without the ability to be medically treated, to use social assistance services, to be included in formal education, earn a decent living or acquire citizenship, or shortly without access to basic human rights and freedoms. (FOSM, 2021)

Persons without legal identity in the Republic of North Macedonia can generally be divided into three main groups:

1. *Persons lacking birth and civil registration*

It is dominantly a problem for the Roma population, particularly for children born at home and for children whose parents do not have personal documents such as ID cards and birth/wedding certificates, or the one whose parents didn't register them within 15 days of their birth and they didn't have the documents for additional inscription. In such cases, the lack of registration becomes an intergenerational problem.

2. *Persons who do not have official personal identification documents*

In the Republic of North Macedonia, persons who did not have personal identification number and did not have a registered address of permanent residence were not able to obtain an identity card, hence no other documents for personal identification. These was again a huge problem for Roma living in illegally constructed buildings or makeshift houses[2], due to the inability to register their place of residence, they were not able to obtain a valid ID card. On the other hand, the acquisition of ownership or lease of a place of residence requires again valid personal documents. Thus, these people were caught in a vicious circle that was very difficult to break. (Dimitrovska et al., 2021)

3. *Persons with no or undetermined nationality*

The main causes of statelessness in North Macedonia are the dissolution of the former Yugoslavia, and again, the lack of registration. After Yugoslavia dissolved into independent republics in 1990, all nationals of other republics of the former Yugoslavia, who from 8 September 1991 until the moment of application for citizenship had a registered, continuous and legal residence on the territory of Macedonia, were given the opportunity to acquire Macedonian citizenship. Due to a lack of legal knowledge and awareness, many of these persons did not apply for Macedonian citizenship at the time and are currently considered stateless. In many cases, their children are facing the same problems with regards to their nationality, even though they were born in Macedonia. (MYLA, 2015)

[2]Roma in the Republic of North Macedonia, predominantly live in improvised and so-called "Cardboard dwellings" and even if they have an interest, they are not able to legalize them because the municipalities has not developed a detailed urban plan forall of this parts of the cities.

The failure to resolve the perennial status of "phantoms", and the real challenges and difficulties they face, imposed the need for a permanent and systemic solution to this burning problem in North Macedonia. Dominantly under the pressure of the international factor, as well as the non-governmental sector in the country, in the last few years appropriate laws were passed and amended and through their implementation the state tried or is trying to change the lives of these people for the better.

In the continuation of this paper, an elaboration of all these legal solutions will be given.

- *Law on Persons who are not registered in the Birth Register*

In 2020, the Law on Persons who are not registered in the Birth Register was adopted. The law provides for undocumented persons to have an initial temporary civil registration, after which they will receive an identification document with special identification number, which was intended to provide them with access to four rights: right to education, health care, social protection as well as employment with compulsory social insurance, until they acquire full civil registration, five years after the temporary registration is granted.(Law on Persons who are not registered in the Birth Register, Art.2)

The period of application for the provisions of the Law on Persons who are not registered in the Birth Register was extended twice as the number of persons applying was very low compared to those initially identified through the public call for registration in a separate birth register in 2018. According to the information shared by the authorities, a total of 290 special birth certificates and around 100 special identity cards were issued since the adoption of the Law in 2020. (UNHCR, 2023). The insufficient awareness of these persons about the way of submitting a request, as well as the insufficient training and capacity of the authorized persons for receiving and processing such requests were only part of the reasons for these numbers.

The Law was valid until June 2022, and sadly persons who have a certificate from the special registry book and identification document, in practice did not exercise any of the established rights. The registration number obtained by persons in the special birth certificate and which is contained in the identification document, did not have the characteristics of a Citizen's Unique Civil Registry Number and was not recognized in the integrated system of the competent bodies and institutions, so in practice the persons have a certificate and a document but can not exercise any of the above mentioned rights. A problem also arose with the banks, which could not open transaction accounts due to non-recognition of this number.

As far as this law is concerned, the general impression is that it experienced a debacle, and as the ombudsman stated on one occasion, it was only to "rub the eyes of foreigners".

- *The Citizenship Law amendments*

The Macedonian Assembly in 2021 adopted new amendments to the Law on Citizenship (1992) with the goal to resolve the statelessness issue in the country that has not been addressed since the country's independence.

The amendments temporary introduce an extraordinary legal basis to acquire citizenship of North Macedonia by virtue of law for citizens of another republic of the former Socialist Federal Republic of Yugoslavia (SFRY) and citizens of the former SFRY who lived in the Republic of

North Macedonia until September 8, 1991 if they provide specific evidence, such as: birth certificate, school transcripts or diplomas, proof of employment, proof of paid taxes applicable at the time, passport issued by the former SFRY, ID issued by the former SFRY, proof of paid bills (electricity, water, heating, telephone) etc. This exception shall apply within a three-year period. (The Law on Amendments and Supplements to the Law on Citizenship ofRepublic of North Macedonia, Art.2)

Other amendments refer to lowering the residence requirement threshold in order to obtain a Macedonian citizenship from eight to seven years. (The Law on Amendments and Supplements to the Law on Citizenship ofRepublic of North Macedonia, Art.7)

After a year of implementation these amendments started giving results as 150 persons at risk of statelessness obtained Macedonian citizenship based on the provisions of this law. (UNHCR, 2023)

-The Law on Civil Registry amendments

With the adopted amendments to the Law on Civil Registry in 2023, all unregistered persons in the country who fought with the system to prove their legal identity, obtain personal documents, and thus gain access to basic rights, should become full-fledged citizens of the Republic of North Macedonia.

Among the most significant changes was the introduction of Article 4-a, which mandates the immediate registration, at the latest within 45 days of the birth, of every child born within North Macedonian territory, irrespective of the nationality or status of the child's parents. In this way, the trans-generational transmission of the "phantom" status is finally put to an end.

These legal amendments also fill the gaps that arose in the implementation of the 2020 law and regulate the status of the persons who are registered in the special register of births, by providing that they will be registered in the regular register of births within 90 days at the latest, ex officio. For the persons who only applied for the public call and are registered as unregistered persons, after additional checks, it is planned that their registration will be carried out by the end of 2023 at the latest.

The legal provisions also provide in detail how the registration will be carried out after the additional checks. It is interesting to mention in this context that part of the responsibilities related to the registration are transferred to the Registry Office or the Center for Social Affairs, as well as that in situations where the birth itself or the necessary facts recorded in the birth register cannot be confirmed with an appropriate document, they can be obtained with a statement from two witnesses, which should be given before a notary under full moral, material and criminal responsibility. (The Law on Amendmentsand Supplements to the Law on Civil Registry, Art.7)

According to the official data from the The Registry Office, in the period up to now, around 150 certificates have been issued in all regional units. In the following period, a total of 526 fellow citizens are expected to receive birth certificates for the first time. (Delevska, 2023)

-Amendments to the Law on Registration of Permanent and Temporary Residence and to the Law on Identity Card.

With these legal solutions, finally it is possible for people who do not own property or do not have the opportunity to provide evidence of property ownership or a lease agreement and therefore remained without a registered residential address, and therefore without an identity card, to resolve this burning issue.

Citizens who are homeless are given the opportunity to register their residence at the address of the Center for Social Work or at the address of the natural person who gave their consent for the homeless person to report a residence at their address. Citizens who have been housed in institutions for a longer period of time can register their residence at the address of the appropriate social or health institution. Additionally, the new amendments foresee several options for people living in 'non-legalized houses' like the one that the municipality can issue a certificate of the existence of an illegally built residential building, with an address and number, as a valid proof when registering the residence and obtaining an identity card. (The Law on Amendments and Supplements to the Law on Registration of Permanent and Temporary Residence, Art.2)

With the amendments and additions to the Law on Identity Card, the category of homeless citizens is specified as citizens who do not have a place and address of residence and means with which they could meet the need for housing. In the case when a homeless person submits a request for the issuance of an ID card for the first time, the collection of data on the biometric characteristics is carried out in the presence of an official from the center for social affairs. (The Law on Amendments and Supplements to the Law on Identity Card, Art.1)

A very important feature of the latest legislative changes is the fact that "legal identity" now has a systemic solution. Nevertheless, the success of addressing issues related to unregistered individuals relies not only on legal amendments but also on a sustained commitment to effective implementation and enforcement of these laws and policies.

It is useful to deal first with the already identified persons, however, as the UNHCR High Commissioner for Protection, Gillian Triggs says, it is very difficult to know, it is very difficult to have the exact number where the main "pockets" or groups that remain are, so in this fight we should remain responsible and dedicated. It is the only way to show that we remain committed to the motto of the Sustainable Development Goals - to leave no one behind.

Conclusion

Millions of people globally lack a legal identity, which can hinder their ability to access education, healthcare, social services, financial systems, and even their basic human rights.That is the reason why this burning problem is among the sustainable developmentgoal 16.9, whose target underscores the importance of ensuring that everyone, irrespective of their background or circumstances, has access to a legal identity, starting with birth registration.

The Republic of North Macedonia, like many other countries, has faced challenges related to unregistered or undocumented people within its borders for years. However, in the past years, predominantly under the influence of the international community and the active non-governmental sector in the state, approaches were taken to enacting new legal solutions and revising the existing ones, with which the state tried and is still trying to permanently resolve the phantom status of a part of the persons living in its territory.

The process started in 2020 with the adoption of the Law on Persons who are not registered in the Birth Register, which law very enthusiastically tried to provide official documentation for unregistered persons. Although the registration was carried out in a special register, and identification documents were issued, which were supposed to provide them with access to taxatively enumerated rights, the practical application of this law experienced a debacle, considering that these documents were not recognized by the official authorities in the country.

The process continued with the amendments to the Law on Citizenship, with which finally, with documents available to everyone as proof of their "existence", statelessness will be put to an end, especially for those persons who remained as a relic from the collapse of SFRY.

Finally, the amendments to the Law on Civil Registry, Law on Identity Card and Law on Registration of Permanent and Temporary Residence will ensure a situation in which no live-born child will remain outside the system, and all citizens without an official "roof over their head" will have no problem registering their place of residence and obtaining identity cards.

This legal regulation, practically implemented, will contribute to the Republic of North Macedonia fulfilling the goal of sustainable development. In the period that follows, work should be done on raising the awareness of the vulnerable categories to demand their rights, and the services of the system should prepare their work in a timely manner, legislatively and on the ground, so that they could respond to this great challenge in order no one to be left behind.

In conclusion, "leave no one behind" serves as a guiding principle that demands a collective commitment to creating a more equitable and sustainable world for current and future generations. It reminds us that the success of our efforts toward global development should be measured by the upliftment of the most vulnerable among us.

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ACCESS TO PUBLIC INFORMATION AS A FUNDAMENTAL DEMOCRATIC RIGHT OF CITIZENS

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Abstract

Countries that insist on development of a democratic society for freedom of information, that is, the right to access public documents. Only informed citizens are able to make correct decisions about each government and evaluate their work.

That is why in this paper I will try to sublimate in one place all the documents starting from the Constitution of RNM through the Law on Free Access to Public Information as well as the international Conventions and Declarations on which these norms are based in our country.

The goal that the author wants to achieve is to see to what extent the international standards for informing citizens are incorporated in the part of transparency in the operation of the institutions and to what extent the possibility of "positive obligation" is applied by the holders of information of public interest, in terms of the commitment to inform the citizens, directly or through the media.

The data that is used in this paper is provided through a content analysis of the documents related to the given problem, as well as through an analysis of the answers given to a survey questionnaire addressed to a reference number of respondents made in the period May - September 2023.

Keywords: information, free access, documents, users.

1. INTRODUCTION

Information of a public nature is information in any form created or with which the owner of the information disposes in accordance with his competences.

In the sphere of our interest are the holders of information of a public nature, namely the bodies of the state government and other bodies and organizations established by law such as: local self-government units, public institutions and services, public enterprises as well as legal and natural persons who exercise public powers.

The right of access to information as a civil right is established in the Constitution of the Republic of Macedonia from 1991. Namely, in Article 16, paragraph 3, it is stated that: ***"Free access to***

information, freedom to receive and transmit information is guaranteed" (Official Gazette of the Republic of Macedonia No. 52/91)

The initial activities that face transparency in the provision of public information are given in the Law on Local Self-Government (Official Gazette of RNM No. 5/2022), where in Article 6 of the obligations of Municipalities, council committees and the public services established by the Municipality that they should inform the citizens about their work, as well as about the plans and programs that are important for the development of the Municipality, without provision is within the Macedonian legislation until today.

A provision for transparency and access to information is also included in the Law on Public Sector Employees (Official Gazette of RNM No. 14/20). Namely in Article 10 paragraph 1, it is provided that ***"Employees in the public sector when performing their work and tasks are obliged to ensure access to information of a public nature in a manner and under conditions established by law."***

However, we must point out that the full implementation of the constitutional provision arising from the mentioned Article 16 is established by the Law on Free Access to Public Information (Sl.C of RNM No. 98/19). It regulates the procedure for creating public information: information, requester and holder of information, regulates the exceptions to the right of free access to information of a public nature, regulates the two-level procedure, the position and work in the second-level procedure, etc.

2. INTERNATIONAL LEGAL FRAMEWORK FOR REGULATING THE RIGHT OF FREE ACCESS TO INFORMATION

The freedom to obtain and provide information is a basic human right. Every country in which democracy reigns, international organizations including the United Nations stand for its respect, as well as its application in domestic legislation in an appropriate form through legal norms and laws.

Freedom of information or the right to receive information are defined as the right of access to information owned or created by public institutions. Within the UN, it is an integral part of the fundamental right to freedom of expression, which was established by Resolution 59[1] of the United Nations General Assembly adopted in 1946 as ***"Freedom of information is a fundamental human right and...a cornerstone of all freedoms for advocated by the United Nations."***

In order to adequately guarantee this right within all member states of the United Nations, freedom of information is also provided for by Article 19 of the Universal Declaration of Human Rights, which states that ***"Everyone has the right to freedom of opinion and expression . This right includes freedom to hold opinions without influence, and to seek, receive and impart information and ideas through any media, regardless of frontiers."***

An important document that guarantees freedom of information is the International Covenant on Civil and Political Rights adopted in 1966. Article 19 regulates the freedom of expression, whereby:

[1]General Assembly, Resolutions adopted by General Assembly during its first session

"1. No one can be harassed for their opinions.

2. Every person has the right to freedom of expression. This right, regardless of frontiers, includes the freedom to find, receive and impart information and ideas of all kinds in oral, written, printed or artistic form, or in any medium of one's free choice.

3. The realization of the freedoms provided for in point 2 of this article includes special duties and responsibilities. Consequently, it may also be subject to certain restrictions that must be determined by law, and are necessary for the reasons: a) respecting the rights or reputation of other persons; b) protection of state security, public order, public health and morality".

It is for these reasons that we consider the International Covenant on Civil and Political Rights to be an important document in terms of guaranteeing freedom of information.

In 1994, the Assembly of the Republic of Macedonia ratified the International Covenant on Civil and Political Rights and thus this document became part of our national legislation.

Another international document regulating this issue is the UNESCO Strategy 2008-2013, which promotes the universal human right to access information and knowledge.

Freedom of information is also a central theme of the World Summit on the Information Society, which affirmed freedom of expression and universal access to information as the foundations of an inclusive knowledge-sharing society. The relevance of freedom of information was also highlighted in the Brisbane Declaration on Freedom of Information - The Right to Know (2010), the Maputo Declaration on Promoting Freedom of Expression and Access to Information (2008), the Declaration on Media and Good Governance from Dakar (2005), as well as the Convention on Access to Information, Participation in Decision-Making and Access to Justice in All Matters Related to the Environment (1998). All these declarations stem from UNESCO's annual World Press Freedom Day celebrations.

In parallel with them, UNESCO works with governments and the civil sector to overcome all challenges, promote dialogue and debate, as well as advice on technical implementation and preparation of national legislation of the countries on freedom of information.

The Office of the High Commissioner together with the Human Rights Council on behalf of the UN monitor, regarding the situation in individual countries, at the annual meetings in Geneva are debatedall problems and key issues.

The Council of Europe is also an international organization that regulates the law, that is, the freedom of information through its acts and basic documents that are further important for implementation in its member countries.

In the European Convention on Human Rights adopted in 1950, the Council of Europe guarantees freedom of information in Article 10:

"1. Everyone has the right to freedom of expression. This right includes freedom of opinion and to receive and impart information or ideas without any interference by public authority and regardless of national borders. This Article does not prevent States from granting operating licenses to broadcasting, television broadcasting and cinema enterprises.

2. The exercise of these freedoms, since it also carries responsibility, may be subject to formalities, conditions, restrictions or penalties determined by law and necessary in a democratic society, in the interest of national security, territorial integrity or public safety, for protection from riot or crime, to the health or morals, reputation or rights of others, to protect against the disclosure of confidential information, or to maintain the authority and impartiality of the judiciary."

Freedom of information is part of several recommendations that are of particular importance for the development of the right to free access to information of a public nature. The recommendations were adopted by the Committee of Ministers and relate to information held by public authorities (Recommendation 19), communication with third parties about personal data held by public authorities (Recommendation 10), personal data collected and used for statistical purposes (Recommendation 18), as well as the European policy for access to information from the archive (Recommendation 13) as well as access to official documents (Recommendation 2).

These recommendations are important and applicable and include:

"1. Any person within the jurisdiction of a member state shall have the right, upon request, to obtain information held by public authorities, other than legislative bodies and the judiciary.

2. States Parties shall guarantee the right of any person, upon request, to have access to official documents held by public authorities. This principle should be applied without discrimination on any grounds, including national origin."

Of course, these recommendations also note that there are exceptions due to which "access to a certain document can be refused if the publication of the information contained in the official documents could harm or would likely harm privacy and personal data, national and public security, confidential data , economic and monetary policy of the country and the like".

A large part of these exceptions are part of the Law on free access to public information of the Republic of Macedonia.

The European Court of Human Rights understands and applies the freedom of information quite widely, while the restrictions should be legally supported in their form and strictly provided by a legal text.

According to the more recent jurisprudence of the European Court of Human Rights, it is noted that there is also a positive obligation for countries to advocate for the implementation of freedom of information through the media and not to prevent the investigative practice of journalists in any way in order to protect the public interest. .

The European Union, like the Council of Europe, since its foundation has been committed to transparency and accountability of its bodies through the application and guarantee of freedom of information. Already in the founding treaty of the European Union, the guarantee of access to information and public documents is found. Namely:

"1. Every citizen of the EU and every natural or legal person who resides or is registered in a member state has the right of access to the documents of the European Community, the Council

and the Commission, respecting the principles and conditions that will be established on the basis of points 2 and 3;

2. The basic principles and limitations based on public or private interest for access to documents will be determined by the Council, within the decision-making procedure provided for in Article 251 within two years of the entry into force of the Treaty of Amsterdam

3. Each said authority shall adopt in its rules of procedure specific provisions regarding access to documents."[2]

The development of law within the European Union develops in accordance with the policies and cooperation between the states. It is necessary for member states and their citizens to exchange information, which is precisely why freedom of information is among the first to be developed in all documents.

In the most important document of the EU, the Treaty on the Functioning of the EU or better known as the Lisbon Treaty, freedom of information occupies a very high position. So, according to Article 15 of the Agreement ***"the basic principles for the promotion of good governance and ensuring the participation of the civil sector, European institutions should maintain their work transparently at the highest level, and that the European Parliament and other institutions should strive for active transparency and ensure the publication of all documents related to legislative procedures".*** (2010/C 83/01)

Freedom of information is also part of the European Charter of Human Rights, specifically in Article 42, the right of access to documents of all natural and legal persons, citizens of the EU by all EU institutions, bodies, agencies and authorities is guaranteed. This document provides access to information in any form, including written, electronic or other forms of document availability.

The European Union is developing the so-called secondary right, in which the freedom of information is unequivocally included and specially emphasized.

So, Regulation No. 1049/2001 aims to facilitate "full possible public access" to EU documents especially in cases where EU institutions act in a legislative capacity. At the same time, they try to preserve the efficiency of the decision-making process of the institutions, by preserving the secrecy of the internal consultations and consideration of the institutions where necessary to preserve their ability to perform their tasks (Article 4).

One of the most important documents that regulates the right to free access to information of a public nature is the Directive 2003/98/EC[3] on the reuse of information from the public sector. The focus of this directive is to introduce a general rule whereby all documents that are available through public sector bodies can be reused for any purpose, only if they are not copyrighted by third parties.

[2](2010/C 83/01) TREATY ON EUROPEAN UNION AND THE TREATY ON THE FUNCTIONING OF THE EUROPEAN UNION (2010/C 83/01)EN 30.3.2010 Official Journal of the European Union C 83/1

[3]European legislation of re-use of public sector information, https://ec.europa.eu/digital-single market/en/european-legislation-reuse-public-sector-information

- establishment of the principle that state authorities do not charge more than the costs incurred during personal data requests. In practice this means that most of the data should be offered for free or almost free, unless the costs are justified;

- to achieve mandatory provision of data in the most commonly used, machine-readable format, in order to reuse and effectively use the data;

- introduction of regulatory supervision for the implementation of the principles;

-a massive expansion of the scope of the Directive, in order to include libraries, museums and archives for the first time.

Freedom of access to information (2003/4/EC) is also regulated by a directive of the European Union with the formal title "Directive 2003/4/EC of the European Parliament and of the Council of January 28, 2003 on public access to information on the environment and for the repeal of Council Directive 90/313/EEC."[4]

The purpose of the Directive is to ensure that environmental information is systematically available and disseminated to the public. The Directive requires Member States to ensure that public authorities are obliged to provide environmental information in their possession upon request by any legal or natural person. The Directive on free access to environmental information is mandatory for EU member countries, i.e. its non-fulfillment will be sanctioned by the EU Commission. Thus, for example, in 2005 the European Commission sanctioned Italy, Spain and five other member countries for inadequate implementation of this Directive.

In 1998, the European Community signed the Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters known as the Aarhus Convention (Aarhus, 25 June 1998).

3. DOMESTIC REGULATION REGULATING THE RIGHT OF FREE ACCESS TO INFORMATION

The right to free access to information is regulated in the Constitution of the Republic of Macedonia. In Article 16, paragraph 3, it says ***"Free access to information, freedom to receive and transmit information is guaranteed."***

Failure to provide free access to information means disrespecting and violating the highest legal act - the Constitution of the Republic of Macedonia. Starting from the Constitution, achieving free access to information of a public nature is an obligation arising from other laws as well. These are first of all: the Law on Free Access to Information of a Public Nature (Sl.C of RNM No. 98/19), the Law on local self-government (Official Gazette of RNM No. 5/2022) and the Law on Public Sector Employees (Official Gazette of RNM No. 14/20)

3.1. For the full implementation of the constitutional provision arising from Article 16, but also for the purpose of harmonizing Macedonian with European legislation, the Parliament of the

[4] Directive 2003/4/EC of European Parliament and of the council of 28 january 2003. http://eurlex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2003:041:0026:0032:EN:PDF

Republic of Macedonia in January 2006 adopted the Law on Free Access to Public Information, and its application began on 1 September of the same year. The law on free access to information of a public nature governs the procedure for making information public, defines the term information, requester and owner of information; regulates the exceptions to the right of free access to information of a public nature, regulates the two-level procedure, the position and operation of the second-level procedure, etc. The law on free access to information of a public nature has been changed five times since its adoption until today, in the direction of its greater alignment with European and international standards.

What is important to note is that Macedonia can boast of a solid legal text in this area, but with very weak application and respect of its provisions.

3.2. The Law on Local Self-Government provides for the openness and transparency of Municipalities in Article 6, where the obligations of Municipalities, council commissions and public services established by the Municipality, etc., to inform citizens about their work, as well as plans and programs, without compensation are enumerated. which are important for the development of the Municipality. In accordance with this law, the Municipality is obliged to provide citizens with access to basic information about the services it provides in the manner and under the conditions regulated by the statute. This provision is valid within the Macedonian legislation until today.

3.3. The 2015 Law on Public Sector Employees also included the provision for transparency and access to information. In Article 10 paragraph 1, it is provided as one of the basic principles of work of public servants. The principle governs the public in the operation by giving an obligation that:

"1. Employees in the public sector are obliged to provide access to information of a public nature in the manner and under the conditions established by law when performing their work and tasks.

2. Employees in the public sector, in the performance of work and tasks at the workplace, handle personal, official and classified data in a manner and under conditions established by law."

4. ANALYSIS OF THE SITUATION IN THE REPUBLIC OF N. MACEDONIA

Access to information of a public nature as a basic democratic human right is intended for informing citizens about the ways of working and spending public finances of the authorities. We must be aware that only informed citizens can make correct decisions about any government and evaluate their work.

Until the adoption of the legal framework in this sphere in our country, this right was guaranteed to the citizens but without a specific and appropriate procedure for its application.

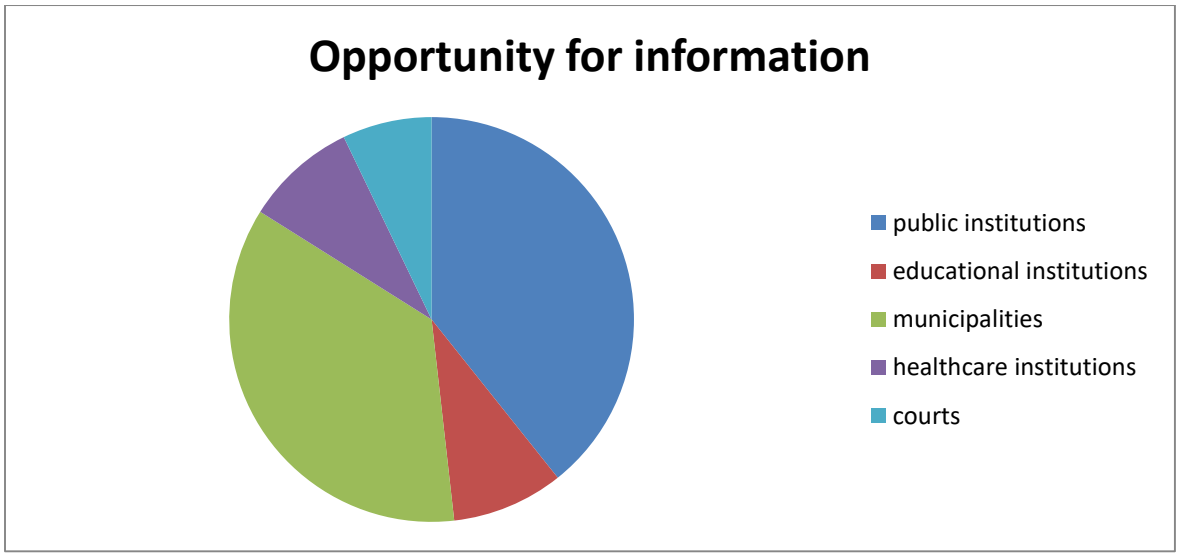
The citizens submitted the requests to the departments for archiving, without having an appointed person who would be able to adequately help the citizens in exercising this right.

At the insistence of the non-governmental sector in the country, the Government of the Republic of Macedonia adopted the legal solution for Free Access as part of documents related to public policies and the work of state bodies - strategies, action plans, international partnerships. In this

area, the leading institution of the activities and responsible for their implementation is the Commission for Free Access to Public Information.

The Ministry of Information Society and Administration prepared the Strategy for Reform in Public Administration 2018-2022. [5] The text includes a special area "Transparency and accountability" where the largest part of this area is occupied by the issue of freedom of information, that is, the right of access to information of a public nature. As a result of the strategy, an Action Plan has been prepared for its implementation, which focuses on achieving the goals for greater transparency and availability of information.

The data show that the citizens are not sufficiently familiar with the opportunity they have to search for and receive information. Most of the respondents believe that they can seek and receive information from municipal and public institutions, while they consider courts, educational institutions and healthcare as a place from which they should not seek information.



In this part, the role of the Commission for the protection of the right to free access to public information is important, which, among other things, has the obligation to educate and train the holders of information, but also to promote the right to free access to them.

5. CONCLUDING OBSERVATIONS AND RECOMMENDATIONS

The use of the right to free access to information by citizens is still at a low level. A large percentage of the citizens do not know about the existence of this law and most likely because of this they do not use it. In the percentage of utilization of this law, the representation of civil organizations in this country is the largest.

The silence of the administration is still present. The largest percentage of requests are "rejected" due to non-action by the holders of information and their silence about the requested information.

[5] Strategy for Public Administration Reform, Ministry of Information Society and Administration, http://mioa.gov.mk/?q=node%2F4542

In fact, the largest percentage of complaints to the Commission for Free Access are submitted on this basis.

The "proactive approach", which should be applied by the institutions in the framework of their daily work, is an ignored tool and an ignored article of the law by the holders. Although basic steps have been taken to increase the proactive approach, a long-term approach in this direction is still necessary.

The Commission for Free Access to Information does not have the right to lead and impose criminal sanctions for non-compliance or consistent implementation of the Law, although it is its responsibility to take care of its implementation in every sense. Such incompetence of the commission further complicates the already difficult access to public information.

It is necessary to pay much more attention to the full implementation of the Law on Free Access to Public Information.

Holders of information should be properly trained, in order to properly use the exceptions to free access, so that they do not abuse them and there is no inappropriate violation of citizens' rights.

In this sense, the law has the necessary mechanisms, but attention should be paid to proper implementation, so that "access to information will be the rule, not the exception."

Active transparency during proper implementation of the Law will enable a proactive approach by the institutions, and also it will build their awareness of transparency and accountability.

The Commission, as a body responsible for the appropriate implementation of the Law, should receive more competences in order to increase the efficiency and effectiveness of its operations. It should be possible for the Commission to be able to issue criminal sanctions following the example of other authorities. For this purpose, it is necessary to harmonize the Law on Free Access to Public Information with the Law on Violations.

Continuous basic and advanced training for its implementation is necessary in order for each holder of information to act appropriately according to this law. With this approach, the need for requests for access to information of a public nature will be reduced, as well as for complaints due to inappropriate behavior by the holders.

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EFFICIENCY AND EFFECTIVENESS OF THE STATE AUTHORITIES AND INSTITUTIONS IN THE SUPPRESSION OF CORRUPTION IN THE REPUBLIC OF NORTH MACEDONIA

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Abstract

Corruption is a phenomenon that seriously threatens the rule of law, because instead of the rule of law and its norms, it will be ruled by individuals guided by self-interested goals. Corruption is a criminal phenomenon with a wide spectrum of criminal acts that manifest from the lowest level of „petty" but „widespread" corruption to the highest level of „high" corruption, which is a „cancerous wound" for the development of democracy and human rights of citizens. It is direct attack on the constitutional order, above all on the constitutional principles and guarantees for human freedoms, rights and equality of citizens. The exercise of public powers very often takes on the character of performing certain services only for those citizens who can pay for them. However, the most serious forms of corruption are the abuse of public powers, power and their use by acquiring wealth to the detriment of the state budget and damage to citizens and entrepreneurship as entities that set aside from their incomes to fill the state budget. The rule of law should guarantee „the freedom of the market and entrepreneurship and ensure an equal position of all subjects in the market entities" to guarantee the freedom and equality of citizens in all spheres of social life. Suppression of corruption is the responsibility of several state bodies and institutions, but how efficient and effective they are in their actions is the subject of this research for the period from 2018 to 2022 through the use of a normative analysis method, a comparison method and a statistical method.

Keywords: corruption, efficiency, effectiveness, public powers, abuse of public powers.

INTRODUCTION

Corruption is a social phenomenon that has a direct negative impact on the overall development of society, which directly threatens the democratic values of the state, which are constitutionally guaranteed. Corruption is associated with the abuse of the entrusted powers of a certain category of individuals and groups who are holders of power or are connected to the ruling elite, at the expense of other citizens who are unable to defend their rights and interests.

Corruption is also an economic category that is often the cause of an imbalance between supply and demand, influence trading is driven by business interests, and no comprehensive reform step can be taken without the support of the political and economic elite.[1]

The state of efficiency is the effectiveness in the suppression of corruption by state authorities and institutions is shown in the European Union Report in October 2020 with the conclusion that „corruption is widespread in many areas and a more active approach should be ensured by all stakeholders dealing with by preventing and fighting corruption."[2]

In the Republic of North Macedonia, since the beginning of the new millennium, new state bodies and institutions have been established with police powers and competences for detecting, elucidating and proving corrupt crimes, namely the Financial Police and the Customs Administration, while reforms have been made in the Ministry of the Interior and specialized departments in the criminal police for the suppression of corruption have been opened. Their competencies and powers derive from the Criminal Procedure Law[3]

In the direction of efficient action by all state authorities and, above all, their coordination and avoidance of overlapping responsibilities, in 2010 major changes were made to the Criminal Procedure Law, whereby the role of the Public Prosecutor's Office in pre-investigation and investigation procedures was strengthened, as well this is how the Basic Public Prosecutor's Office was formed for the prosecution of organized crime and corruption.[4]

The efficiency in suppressing the corruption of the state bodies and institutions is measured through the data on discovered and clarified cases for which, as competent state bodies, they provided relevant evidentiary material on the basis of which a degree of „grounds of suspicion" was provided and criminal charges were filed against suspected persons, with status attributes of official and responsible persons and persons exercising public powers.

Obtaining indicators on the effectiveness of state authorities and institutions for the suppression of corruption in the past years is through the analysis of statistical data of the State Statistics Office for reported, accused and convicted persons for committed crimes. According to several researches, indicators were obtained on which are the most committed crimes and what is the degree of conviction of the perpetrators. In all research periods, the crime „Abuse of official position and authority" according to Article 353 of the Criminal Code, regardless of whether it was investigated as part of economic-financial crime, where corrupt crimes dominate, or the grouping of crimes against official duty, is the most represented. The extent of representation is 64,1% in the period from 1997 -2006, 84, 9 % for the investigated period 2010 and 2011, in the same period the conviction rate ranges from 12,7 % to 15,4 %, which indicates a low degree of effectiveness.

[1] Lažetić, G., *Korupcijata među vladeenjeto na pravoto i političkite biznis eliti*, Predizvici - spisanie za opštestveni prašanja, Borba protiv kriminalot i korupcijata, Fridrih Ebert Fondacija - Skopje, br. 9, 2021, str. 17.
[2] European Commission – North Macedonia 2020 Report, https://library.fes.de/pdf-files/bueros/skopje/15369/09-2021-03.pdf.
[3] Article 145 of Law on Criminal Procedure, *Official Gazete of the Republic of Macedonia, no. 15/05.*
[4] Article 47 of Law on Criminal Procedure, *Official Gazete of the Republic of Macedonia, no. 150/10.*

Previous researches are based on data on reported, accused and convicted persons from the State Statistics Office. This research uses data on reported, accused and convicted perpetrators of corrupt crimes from the Annual Reports of the Public Prosecutor's Office of the Republic of North Macedonia, with the aim of obtaining relevant indicators for the efficiency in the reporting and filing of charges and the effectiveness according to the degree of conviction. . The Public Prosecutor's Office is involved in accordance with the law in the overall procedure from the pre-investigation procedure (before and with the filing of criminal complaint) to the adoption of final degree of convicted.

1. CRIMINAL ACT OF CORRUPTION ACCORDING TO THE MACEDONIAN CRIMINAL LEGISLATION

Corruption crimes have the same or similar criminalistic and criminal law characteristics, the basic or starting characteristic is the status of the perpetrators – officials, foreign officials, responsible persons, foreign responsible persons and persons exercising public powers.[5]

Corrupt crimes according to the classification of the public prosecutor's office are the following:

- Corruption crimes against official duty from Chapter 30 are:

1. Abuse of official position and authority Art. 353,
2. Negligent performance of duty Art. 353 - v,
3. Embezzlement in the service Art. 354,
4. Fraud in the service of Art. 355,
5. Serving of the service from Art. 356,
6. Receiving a bribe Art. 357,
7. Giving a bribe Art 358,
8. Giving a reward for illegal influence from Art. 358 – a,
9. Receiving a reward for illegal influence from Art. 359,
10. Illegal acquisition and concealment of property from Art. 359 – a,
11. Disclosing the official secret of Art. 360 st. 1 and 2,
12. Abuse of a state, official or military secret from Art. 360 – a,
13. Falsifying an official document Art. 361.

- Corruption crimes against elections and voting are:
    1. Violation of the electoral right from Art. 159,
    2. Violation of the freedom of determination of the voters from Art. 160,
    3. Bribery during elections and voting from Art. 162,
    4. Violation of the secrecy of voting from Art. 163,
    5. Destruction of election material from Art. 164 para. 1 and 2,
    6. Electoral fraud from Art. 165.

[5] Член 122 ст. 4, 5, 6, 7 , 8 и 9 од Кривичен законик на РМ бр. 37/96, 19/04, 114/09 .....2020 – пречистен текст.

- Corruption crimes against property are:
  1. Illegal construction from Art. 244 - a para. 4,
  2. Unauthorized receipt of gifts from Art. 253,
  3. Unauthorized giving of gifts from Art. 253 – a,
  4. Abuse of the bankruptcy procedure from Art. 256 para. 2 and 3,
- Corrupiont crimes against public finances, payment transactions and the economy are:

1. Fraud in the operation of securities and shares from Art. 275 para. 1, 2 and 3,
2. Negligent action of an authorized auditor from Art. 275 - b para. 1, 2 and 3,
3. Abuse of the procedure for a public call, awarding a contract for public procurement or public-private partnership from Art. 275 – c,
4. Ilegal action of an authorized appraiser from Art. 275 – g,
5. Abuse when concluding an agreement between interested parties from Art. 275 – d,
6. Violation of equality in the performance of economic activity from Art. 282,
7. Preventing, limiting or disrupting competition from Art. 283,
8. Unfair competition in matters of foreign - trade turnover from Art. 284 para. 1 and 2,
9. Abuse of authority in the economy from Art. 287.

In order to obtain indicators that will be comparable to previous research periods, research was conducted on the conduct of criminal-legal cases by all public prosecutors' offices and data on reported, accused and convicted persons for corrupt crimes was extracted from their annual reports of the researched period 2018 – 2022.

1. EFFICIENCY AND EFFECTIVENESS OF THE STATE BODIES AND INSTITUTIONS IN COMBATING CORRUPTION IN THE REPUBLIC OF NORTH MACEDONIA

An analysis was made of what corrupt crimes the Public Prosecutor's Office handled and the efficiency and effectiveness of the procedures. From the analyzed five Annual reports, it has been established that proceedings are mostly conducted for the criminal offense "Abuse of official position and authority" from Article 353, and the number is also small for other corrupt criminal offenses or there are three criminal offenses in all these years, and throughout the reports there are also data on other corrupt crimes for which procedures were conducted in some of the years.

The provided data is presented tabularly, and then, based on their analysis, indicators are extracted on the number of reported, accused and convicted perpetrators, what is the degree of conviction, in fact, this is an indicator of effectiveness, and the effectiveness is perceived from the submitted criminal cases. report. In order to file criminal charges, it is necessary to have relevant material evidentiary materials on the basis of which the „reasonableness of suspicion" is based, as a prerequisite for criminal investigations and taking a system of legal measures and actions against the suspected persons, and for a good part of them even at the filing of criminal charges is a definite measure of detention.

Year	Art 353			Art 357			Art 361			Other			Total		
	RP	AP	CP	RP	AP	CP	RP	AP	CP	RP	AP	CP	**RP**	**AP**	**CP**
2018	1094	160	122	17	7	13	28	4	21	/	/	/	**1139**	**171**	**156**
2019	1674	271	80	12	7	7	29	2	4	/	/	/	**1715**	**280**	**91**
2020	1298	140	144	4	5	6	25	5	2	/	/	/	**1327**	**150**	**152**
2021	1391	200	133	17	5	6	27	11	3	295	50	66	**1730**	**266**	**208**
2022	1221	151	95	23	9	2	27	11	9	286	46	49	**1557**	**217**	**155**
Total	**6678**	**922**	**574**	**73**	**33**	**34**	**136**	**33**	**39**	**581**	**96**	**115**	**7468**	**1084**	**762**

Table no. 1 Volume, structure and dynamics of reported, accused and convicted perpetrators of corruption crimes in the Republic of North Macedonia

In the researched period 2018 - 2022, according to the analyzed five annual reports of the Public Prosecutor's Office, a total of 7468 perpetrators were reported for corrupt crimes with criminal charges due to the existence of „grounds of suspicion" for three of which were continuously prosecuted, but also for other crimes that are placed in the column „other" because there are criminal charges for them in separate years. Of the total of 7468 reported perpetrators, only 1084 or 14,5 % were charged, of the total number of defendants, 762 or 70,3 % were convicted. This indicates that in the process of the criminal procedure, for some cases, sufficient solid evidence was not presented. But when analyzed in relation to those reported to those convicted, the degree of conviction is only 10,2 %.

According to the structure of corrupt crimes, the crime „Abuse of official position and authority" from Article 353 is the most represented, with 6678 reported perpetrators or that is 89,5 %, for „ Receiving a bribe" from Article 357, 73 perpetrators or about 1 % have been reported. For „Falsifying an official document" from Article 361, 136 perpetrators or 1,8 % were reported, and the rest 581 or 7,8 %. In the first three years of the research period, according to the data for 2018, 2019 and 2020, the Пublic prosecutor's Office acted only for the mentioned three crimes. While in 2021 and 2022, other corruption crimes were also dealt with and they were put in the „other" column. However, the criminal offense „Abuse of official position and authority" under Article 353 prevails in the total representation.

According to the representation by years of the crime „Abuse of official position and authority", in 2018 it is 96 %, in 97,6 % in 2019, in 2020, 97,8 %, in 2021, 80,4 % and in 2022 year is with 78,4 %. The high representation in the first three years is due to the fact that there were no proceedings for other corruption crimes. It is an encouraging situation when it comes to discovering, elucidating and, on the basis of relevant evidence, qualifying a crime appropriately. In the past, all criminal law cases, even though they had elements of a corresponding crime incriminated in the criminal code, were still handled with the qualification of „Abuse of official position and authority"

As an indicator of the effectiveness of state bodies and institutions, the dynamics of handling or discovering cases and filing criminal charges and reporting perpetrators due to the existence of „grounds of suspicion" for a committed corruption crime. The reporting of perpetrators with a submitted criminal report is preceded by a procedure of the state authorities and institutions, that is, the criminal officers who, according to the law, coordinate with the competent Public Prosecutor

and inform him of all the relevant evidentiary materials received.[6] The filing of a criminal complaint is the result of the overall work in the pre-investigation procedure when the operatives, especially when it comes to corruption crimes, have a serious job and take a series of measures and activities that are mostly due to the inspection of business documentation and the extraction of evidentiary material which contain data on illegal activity on the basis of which the „grounds of suspicion" are based.

Effectiveness is measured by the final indicators, or whether and how many of the submitted criminal charges are processed by filing an indictment, and this is on average 14,5 %, which is a very low level of processing. And the degree of conviction on average in the investigated period 2018-2022 is 70,3 % of the defendants are convicted. And the degree of conviction among those reported is quite low and is 10, 2 %.

Analyzed from the point of view of the degree of indictment, i.e. the convicted, for the crime of „Abuse of official position and authority" under Article 353, a total of 6678 perpetrators were reported, of which 922 or 13,8 % were accused, and 62,3 % of the accused were convicted, the conviction rate is 8,6 %. This is a strong indication that the perpetrators of this crime are not convicted, or it can be explained that the influence on the judicial authorities by the persons who are reported is strong directly, or indirectly, but the effect is „unconviction" or impunity for corruption. While in the case of the crime „Accepting a bribe" there are 73 reported perpetrators, 33 or 45,2 % have been charged, and all the accused have been convicted. In the case of this crime, the evidence is usually provided during the commission of the crime, which has previously been reported - a request for a bribe is reported and measures are taken for discovery, clarification and proof at the time of the commission itself, i.e. immediately during the „Giving of a bribe", during receiving is „caught by the perpetrator" with the means of bribery. If a request for a bribe has been previously reported, the bribe giver is not criminally liable, precisely because of this the crime of „Giving a bribe" has not been recorded.

Compared to the previous research periods, this degree of conviction is much lower, and this may be the result of an inadequate methodology of data entry and their presentation in the annual reports, but the difference is not great, as the main indicator that for corrupt crimes conviction or punishment is quite low, which is due to several things, the most important of which is „Whether and how much" there is an influence on the judicial authorities for sentencing perpetrators who have the status of officialdom or holders of public functions, works with public powers. It is confirmed what was highlighted in the Pribe Report that in the Republic of North Macedonia there is a strong influence on the judicial authorities in the conduct of court proceedings and the passing of final court judgments.

A comparison was made of two surveys of data from the State Statistics Office and the Public Prosecutor's Office for 2018 and 2019. Namely, according to the analysis of the data from the State Statistics Office for 2018, the degree of conviction for perpetrators of the crime „Abuse of official position and authority" is 14,6 %, for 2019 it is 5,11 %. [7]For the same years, according to the data of the Public Prosecutor's Office for 2018, the conviction rate is 11,6 %, and in 2019 it is 4,8 %. It

[6] Člen 283 st. 4 od Zakonot za krivična postapka, Sl. vesnik na RM br. 150/10.

[7] Nikoloska S., *Legal and criminalistics features of the crimes of „Abuse of position and authority" and „Money laundering and other proceeds of crime",*Security horizons, Volume II, Faculty of security, Skopje, pg. 46.

is a lower degree of conviction, as the data from the Public Prosecutor's Office are more relevant, because they manage the cases and their data is the most relevant.

CONCLUSIONS AND SUGGESTIONS

The efficiency and effectiveness of the state authorities and institutions in the suppression of corruption in the Republic of North Macedonia, analyzed through a comparison of data on reported, accused and convicted perpetrators of corrupt crimes, indicates a situation about which knowledge has already been obtained in several studies, and that although criminal charges are filed against perpetrators of corrupt crimes, the number of convicted persons is minimal. It is a strong indicator that there is systemic corruption that is reflected mostly in the judicial system, or that primary corruption is followed by secondary corruption or corruption in judicial authorities.

The most corrupt crime is „Abuse of official position and authority" according to Article 353, but even for that crime the lowest degree of conviction is a strong indicator of influence on the judiciary when passing final verdicts for crimes committed by persons of certain official positions or perform official functions. Or an indicator that corrupt crimes are not judged, „trading in influence" is an important factor for non-judgment, that is, an indicator of a „captured judiciary".

In the Macedonian criminal code, about 30 corrupt crimes are systematized, but only a few of them are dealt with, the investigators and prosecutors classify almost all criminal behavior as „Abuse of official position and authority", as if they are not „encouraged" to do more extensive analyzes of the evidence and to „qualify" another crime. Academician Kambovski, in several of his works, emphasizes that a large part of corrupt crimes seem to be „forgotten" in the Criminal Code, they are not „revived", whether there is still a certain „uncertainty" among investigators and prosecutors is a question that deserves a more comprehensive investigation. But it is also a problem that needs to be worked on with appropriate thematic trainings and counseling, because it is not just to incriminate a crime, for the same thing it should be handled as in the part of discovery by collecting „general suspicions" , through a series of checks, measures and actions to illuminate and provide evidence for other corrupt crimes.

The problem of „non-conviction" is serious and debates should be opened about it, whether the investigators are not expert enough to provide enough „relevant evidentiary material" in the pre-investigation procedure on which the „grounds of suspicion" will be based, or whether work should be done on strengthening the cooperation with the public prosecutor's office during the pre-investigation procedure in the direction of providing „relevant evidentiary material" for further successful action.

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